

BEFORE THE
CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

IN THE MATTER OF THE:

REGULAR MONTHLY)
BUSINESS MEETING)
_____)

DATE AND TIME: WEDNESDAY, NOVEMBER 18, 1998
9:30 A.M.
THURSDAY, NOVEMBER 19, 1998
9:30 A.M.

PLACE: BOARD HEARING ROOM
8800 CAL CENTER DRIVE
SACRAMENTO, CALIFORNIA 95826

REPORTER: ANNE MORRIS
CERTIFICATE NO. 7236

A P P E A R A N C E S

MR. DANIEL G. PENNINGTON, CHAIRMAN

MR. WESLEY CHESBRO, MEMBER

MR. DAN EATON, MEMBER

MR. STEVEN R. JONES, MEMBER

MR. STEPHEN M. RHOADS, MEMBER

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1 SACRAMENTO, CALIFORNIA

2 WEDNESDAY, NOVEMBER 18, 1998, 9:40 A.M.

3 CHAIRMAN PENNINGTON: GOOD MORNING AND

4 WELCOME TO THE NOVEMBER 18TH MEETING OF THE

5 CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD.

6 WOULD THE SECRETARY CALL THE ROLL,

7 PLEASE?

8 THE SECRETARY: BOARD MEMBER CHESBRO?

9 MEMBER CHESBRO: HERE.

10 THE SECRETARY: EATON?

11 MEMBER EATON: HERE.

12 THE SECRETARY: FRAZEE?

13 HE'S ABSENT.

14 JONES?

15 MEMBER JONES: HERE.

16 THE SECRETARY: RHOADS?

17 MEMBER RHOADS: HERE.

18 THE SECRETARY: CHAIRMAN PENNINGTON?

19 CHAIRMAN PENNINGTON: HERE.

20 WE HAVE A QUORUM. AS YOU JUST HEARD,

21 MR. FRAZEE IS ABSENT, SO WE WON'T CALL HIM

22 DURING THE ROLL CALLS TODAY.

23 WE WILL START WITH MR. EATON ON EX

24 PARTES.

25 MEMBER EATON: YES. I JUST HAVE TWO

1 TO REPORT. LATE YESTERDAY AFTERNOON IN ORAL
2 CONVERSATIONS WITH PATTY GARBARINO OF MARIN
3 RECYCLING CENTER AND ROD GOULD, CITY MANAGER
4 FOR THE CITY OF SAN RAFAEL, REGARDING MARIN
5 COUNTY WASTE ISSUES.

6 CHAIRMAN PENNINGTON: OKAY. MR. JONES.

7 MEMBER JONES: MR. CHAIRMAN, MINE ARE
8 UP TO DATE.

9 CHAIRMAN PENNINGTON: MR. RHOADS?

10 MEMBER RHOADS: MINE ARE UP TO DATE
11 BUT -- MAYBE THEY ARE NOT. THE LAST COUPLE OF
12 DAYS I HAD THE PLEASURE OF GOING DOWN WITH
13 STAFF, CATHERINE CARDOZO, CARA MORGAN, TERRY
14 BRENNAN, TO SOME OF THE TARGETED CITIES THAT WE
15 HAD IN SANTA CRUZ AND MONTEREY TO SEE WHAT AID
16 WE CAN GIVE THEM, AND I PROBABLY SHOULD REPORT
17 THE PEOPLE THAT ATTENDED THOSE MEETINGS, AND I
18 WILL DO THAT LATER. THERE IS NOTHING THAT WAS
19 DISCUSSED AT THOSE MEETINGS THAT HAD ANYTHING
20 TO DO WITH TODAY'S AGENDA.

21 I JUST WANT TO CONGRATULATE THE
22 BOARD ON THEIR STRATEGIC PLAN FOR RECOGNIZING
23 THE NEED OF LOCAL AGENCIES AND THE NEED FOR THE
24 BOARD TO GIVE THEM HELP IN REACHING THE 50
25 PERCENT GOAL.

1 AND THE CITIES OF GONZALES, THE
2 CITIES OF GREENFIELD, KING CITY, SAND CITY, AND
3 REPRESENTATIVES FROM MONTEREY COUNTY AND SANTA
4 CRUZ COUNTY WERE VERY, VERY APPRECIATIVE OF THE
5 EFFORTS THAT STAFF WAS MAKING TO GIVE THEM THAT
6 AID IN MEETING THEIR GOALS. AND THAT'S ALL I
7 HAVE TO REPORT.

8 CHAIRMAN PENNINGTON: VERY GOOD.
9 THANK YOU.

10 MR. CHESBRO.

11 MEMBER CHESBRO: WELL, I HAVE QUITE A
12 LIST HERE. LET'S SEE. JEFFREY KNAPP OF THE
13 UNITED NEIGHBORHOOD ALLIANCE OF HUMBOLDT COUNTY
14 ON THE HUMBOLDT TRANSFER STATION, DUANE GOFORTH
15 OF GOFORTH AND [INAUDIBLE] ON THE HUMBOLDT
16 TRANSFER STATION, JERRY JAMBUCHIAN [PH.]
17 REGARDING THE CITY OF HAWTHORNE ON [INAUDIBLE]
18 ISSUES, NANCY DIAMOND OF GAINER AND DIAMOND
19 REPRESENTING THE CITY OF ARCATA ON THE HUMBOLDT
20 TRANSFER STATION, EVAN EDGAR REPRESENTING CRC
21 REGARDING THE TULARE COUNTY ISSUE THAT'S ON THE
22 AGENDA TODAY, WHICH IS NUMBER 8, I BELIEVE,
23 RACHEL HOOPER OF SHUTE, MIHALY AND WEINBERGER
24 ON THE HUMBOLDT COUNTY PERMIT, WHICH IS
25 TOMORROW, AND STAN -- DID I ALREADY SAY STAN

1 HENDERSON? NO. STAN HENDERSON OF THE UNITED
2 NEIGHBORHOOD ALLIANCE OF HUMBOLDT COUNTY AGAIN
3 REGARDING THE HUMBOLDT COUNTY TRANSFER STATION
4 PERMIT. THAT'S IT.

5 CHAIRMAN PENNINGTON: VERY GOOD.

6 THANK YOU.

7 LET'S SEE. I HAVE A LETTER FROM
8 EVAN EDGAR ON THE TULARE COUNTY BASE-YEAR
9 ADJUSTMENT. I HAVE LETTERS FROM NANCY DIAMOND
10 OF GAINER AND DIAMOND, CITY ATTORNEY, THE CITY
11 OF ARCATA, AND FROM KEVIN HOOVER, EDITOR OF THE
12 ARCATA EYE, AND THE UNITED NEIGHBORHOOD
13 ALLIANCE OF HUMBOLDT. I ALSO HAD A
14 CONVERSATION WITH NANCY DIAMOND. AND I THINK
15 THAT COVERS IT.

16 ALSO, IF THERE IS ANY SPEAKERS WHO
17 WISH TO ADDRESS ANY ITEM ON THE BOARD THIS
18 MORNING, THERE ARE SPEAKER SLIPS ON THE TABLE
19 IN THE BACK, AND IF YOU WILL FILL THEM OUT AND
20 GET THEM TO MS. KELLY HERE WE WILL MAKE SURE
21 THAT YOU ARE HEARD FROM ON THOSE ITEMS YOU WISH
22 TO ADDRESS.

23 A COUPLE OF ANNOUNCEMENTS. AGENDA
24 ITEM NO. 1 HAS BEEN PULLED FROM TODAY'S AGENDA.
25 THE CONTINUING BUSINESS ITEM CONCERNING THE

1 HUMBOLDT COUNTY TRANSFER STATION WILL BE HELD
2 AT 9:30 TOMORROW, NOVEMBER 19TH.

3 AGENDA ITEM 11, THE BASE-YEAR
4 ADJUSTMENT FOR BUTTE COUNTY WILL ALSO BE HEARD
5 TOMORROW ON NOVEMBER 19TH.

6 NOW IT'S MY PLEASURE TO DO A
7 LITTLE CEREMONY HERE.

8 MR. CHESBRO, SENATOR ELECT
9 CHESBRO, WHY DON'T YOU COME DOWN TOO.

10 MEMBER CHESBRO: I HAVE HANDED OUT A
11 FEW OF THOSE, BUT I HAVEN'T BEEN A RECIPIENT
12 BEFORE, SO I DON'T QUITE KNOW WHAT TO DO.

13 MEMBER EATON: WHERE IS THE
14 PHOTOGRAPHER? YOU NEVER KNOW WHEN YOU NEED A
15 PICTURE.

16 MALE VOICE: I'M SURE HIS CAMERA IS
17 UPSTAIRS. IF YOU JUST DELAY THIS FOR A COUPLE
18 OF MINUTES

19 CHAIRMAN PENNINGTON: THAT'S ALL
20 RIGHT. WE WILL --

21 MEMBER CHESBRO: STAGE IT LATER.

22 CHAIRMAN PENNINGTON: -- WE WILL STAGE
23 IT LATER.

24 AS MOST OF YOU KNOW, MR. CHESBRO
25 HAS BEEN ELECTED TO THE STATE SENATE AND WILL

1 BE LEAVING US OFFICIALLY IN THE NEXT DAY OR TWO
2 AND GOING DOWN AND JOINING THE CAPITOL CROWD IN
3 THE SENATE.
4 HE HAS BEEN HERE A LONG TIME.
5 NINE YEARS, I BELIEVE. AND HE IS OUR SENIOR
6 MEMBER, AND HE HAS HAD A GREAT INFLUENCE ON THE
7 COURSE OF THE BOARD AND THE SHAPING OF THE
8 BOARD, AND HE WAS HERE FROM THE VERY BEGINNING
9 AND PUT THE BOARD TOGETHER, AND SO WE HAVE A
10 PLAQUE HERE, A RESOLUTION, AND I WILL READ THAT
11 TO HIM.

12 MEMBER CHESBRO: WAIT A MINUTE. DID
13 YOU GET MY SIGNATURE ON IT?

14 CHAIRMAN PENNINGTON: NO, NO. YOU ARE
15 THROUGH SIGNING THESE THINGS. YOU HAVE GOT
16 BIGGER ONES TO SIGN NOW.

17 WHEREAS THE CALIFORNIA INTEGRATED
18 WASTE MANAGEMENT BOARD IS RESPONSIBLE FOR
19 IMPLEMENTING AB939, THE INTEGRATED WASTE
20 MANAGEMENT ACT OF 1989, WHICH MANDATES THAT
21 CALIFORNIA REDUCE 50 PERCENT OF THE WASTE GOING
22 INTO LANDFILLS BY THE YEAR 2000;
23 AND WHEREAS WESLEY CHESBRO, AS A
24 LEADER IN THE PASSAGE OF AB939 HAS TIRELESSLY
25 ADVOCATED RECYCLING, WASTE PREVENTION, AND

1 ENVIRONMENTAL PROTECTION AND WAS A DRIVING
2 FORCE BEHIND THE PROGRAMS AND POLICIES THAT
3 RESULTED IN CALIFORNIA DOUBLING ITS DIVERSION
4 RATE DURING THE EIGHT YEARS HE SPENT ON THE
5 BOARD;
6 AND WHEREAS WESLEY CHESBRO, THE
7 WASTE BOARD'S LONGEST SERVING MEMBER, SERVED AS
8 THE BOARD VICE CHAIRMAN, CHAIRED THE LOCAL
9 ASSISTANCE AND PLANNING COMMITTEE, AND SERVED
10 ON THE MARKET DEVELOPMENT COMMITTEE, THE
11 LEGISLATION AND PUBLIC EDUCATION COMMITTEE, AND
12 ADMINISTRATION COMMITTEE. IN THESE CAPACITIES
13 AMONG OTHER ACCOMPLISHMENTS HE HAS ACTIVELY
14 REPRESENTED LOCAL GOVERNMENT IN STATEWIDE
15 MANAGEMENT ISSUES, HELPING 575 LOCAL
16 GOVERNMENTS TO PREPARE AND IMPLEMENT THEIR
17 RECYCLING PLANS;
18 AND WHEREAS WESLEY CHESBRO HELPED
19 CREATE AND IMPLEMENT A MARKETING DEVELOPMENT
20 PROGRAM THAT PROVIDED CALIFORNIA RECYCLING
21 BUSINESSES WITH NEARLY 50 MILLION IN CAPITAL
22 WHILE CREATING MORE THAN 600 NEW JOBS;
23 AND WHEREAS WESLEY CHESBRO,
24 THROUGHOUT HIS PROFESSIONAL ENDEAVORS, HAS BEEN
25 A GUARDIAN OF THE ENVIRONMENT, HOLDING NUMEROUS

1 POSTS, INCLUDING ARCATA CITY COUNCILMAN,
2 HUMBOLDT COUNTY SUPERVISOR, EXECUTIVE DIRECTOR
3 OF THE NORTH COAST ENVIRONMENTAL CENTER,
4 FOUNDER OF THE ARCATA RECYCLING CENTER, AND
5 CHAIRMAN OF THE MATERIALS FOR THE FUTURE;
6 AND WHEREAS WESLEY CHESBRO IS
7 RESIGNING ON DECEMBER 4, 1998, TO CONTINUE HIS
8 LONGSTANDING SERVICE TO THE PUBLIC OF
9 CALIFORNIA AS A STATE SENATOR, NOW THEREFORE BE
10 IT RESOLVED THAT THE CALIFORNIA INTEGRATED
11 WASTE MANAGEMENT BOARD TAKES GREAT PLEASURE IN
12 COMMENDING WESLEY CHESBRO FOR HIS EXEMPLARY
13 CONTRIBUTIONS TO THE BOARD AND FOR HIS
14 EXCELLENCE IN ENVIRONMENTAL AND LOCAL
15 GOVERNMENT LEADERSHIP AND WISHES HIM WELL IN
16 THE FUTURE.
17 WESLEY.
18 (APPLAUSE)

19 CHAIRMAN PENNINGTON: I WOULD ALSO
20 LIKE TO ADD THAT IT'S BEEN A PLEASURE FOR ME TO
21 SERVE WITH WESLEY. I CAME HERE THREE AND A
22 HALF YEARS AGO, AND HE HAS TAUGHT ME A LOT. HE
23 HAS SHOWN ME A LOT OF POLITICAL SAVOIR FAIRE,
24 AND IT'S CERTAINLY BEEN A PLEASURE, AND WE
25 CERTAINLY LOOK FORWARD TO YOUR LEADERSHIP IN

1 THE SENATE.

2 MEMBER CHESBRO: THANKS VERY MUCH.

3 CHAIRMAN PENNINGTON: THANK YOU.

4 (APPLAUSE)

5 MEMBER CHESBRO: I LEFT MY NOTES UP

6 THERE, SO I'M GOING TO GO UP THERE AND SAY WHAT

7 I HAVE TO SAY FROM UP HERE.

8 MEMBER RHOADS: WE DO HAVE THE

9 PHOTOGRAPHER HERE IF WE WANT TO TAKE

10 PHOTOGRAPHS.

11 MEMBER CHESBRO: DO YOU WANT TO DO

12 THAT?

13 CHAIRMAN PENNINGTON: SURE.

14 (PHOTOGRAPH TAKEN)

15 MEMBER CHESBRO: WELL, IT'S FUNNY, YOU

16 KNOW. YOU HAND OUT THESE THINGS AND DO THESE

17 ACTIONS ON THIS SIDE OF THE DAIS, AND YOU SORT

18 OF TAKE THEM FOR GRANTED AND DON'T THINK THAT

19 THEY NECESSARILY MEAN THAT MUCH BECAUSE YOU DO

20 SO MANY OF THEM, AND THEN WHEN SOMEBODY

21 ACTUALLY HANDS IT TO YOU, YOU KNOW, THERE IS A

22 PART OF ME THAT'S STILL, YOU KNOW, INNOCENT

23 ENOUGH TO BE TOUCHED. AND I AM TOUCHED. IT

24 REALLY MEANS A LOT TO ME TO BE RECOGNIZED BY MY

25 COLLEAGUES, SO I APPRECIATE IT.

1 IT HAS BEEN A GREAT EIGHT AND A
2 HALF YEARS. AS YOU MENTIONED, I THINK I WAS
3 THE SECOND BOARD MEMBER, AND I THINK SAM
4 EGIGIAN BEAT ME BY ABOUT A MONTH. HE WAS THE
5 FIRST APPOINTMENT, AND I WAS THE SECOND, AND
6 KATHY NEAL FOLLOWED A WEEK OR TWO AFTER I WAS
7 APPOINTED.
8 AND I'M VERY GRATEFUL FOR THE
9 CHANCE TO HAVE SERVED AND TO WORK ON SOMETHING
10 THAT I REALLY CARE SO DEEPLY ABOUT, AS I THINK
11 YOU ALL KNOW WHO HAVE WORKED WITH ME. I'M
12 PRETTY PASSIONATE ABOUT THIS STUFF, SOMETIMES
13 TO THE POINT OF PROBABLY BEING OBNOXIOUS.
14 I'M VERY THANKFUL THAT SOMEONE WHO
15 IS ESSENTIALLY A HUMBOLDT COUNTY SUPERVISOR
16 FROM A TINY COUNTY IN ONE CORNER OF THE STATE
17 WAS GIVEN THE OPPORTUNITY BY DAVID ROBERTI AND
18 THEN ALMOST MIRACULOUSLY REAPPOINTED BY BILL
19 LOCKYER TO SERVE ON THIS BOARD.
20 I THINK BY ALL ACCOUNTS IN BOTH
21 CASES THERE WERE A LOT OF EXPECTATIONS THAT I
22 WAS NOT GOING TO BE SUCCESSFUL AND I WASN'T
23 GOING TO BE APPOINTED TO THE BOARD, SO I FEEL
24 REALLY HONORED BY HAVING HAD THAT OPPORTUNITY.
25 I WOULD LIKE TO THANK EACH OF YOU,

1 EVEN THE ONE OF YOU THAT I HAVE ONLY SERVED
2 WITH FOR A FEW DAYS HERE, FOR THE OPPORTUNITY
3 TO WORK CLOSELY WITH YOU AND DEVELOP A
4 FRIENDSHIP AND RELATIONSHIP WITH EACH OF YOU.
5 I WANT TO MENTION SOME OF THE PAST
6 BOARD MEMBERS WHO I SERVED WITH WHO I THINK
7 MADE SIGNIFICANT CONTRIBUTIONS AS WELL. JESSE
8 HUFF, WHO CAME HERE I THINK ORIGINALLY THINKING
9 THAT THIS WAS A LANDING SPOT AFTER A VERY TOUGH
10 JOB AS THE GOVERNOR'S FINANCE DIRECTOR. IT
11 TOOK HIM A LITTLE WHILE, AS SOME OF US
12 REMEMBER, BUT ONCE HE ENGAGED I THINK HE REALLY
13 SET THE PACE AND SET THE FRAMEWORK FOR TO THIS
14 DAY WHAT THE BOARD IS DOING.
15 I DIDN'T VOTE FOR HIM FOR CHAIR,
16 BUT THE DAY HE LEFT I SAID THAT, YOU KNOW, IF
17 THE OPPORTUNITY WERE AVAILABLE TO GO BACK AND
18 ELECT HIM AS CHAIR, I WOULD HAVE DONE SO,
19 BECAUSE I WAS A GREAT ADMIRER OF WHAT HE
20 ACHIEVED FOR THE BOARD.
21 SAM EGIGIAN HAD A SINGLE-MINDED
22 AND PURPOSEFUL APPROACH TO THE JOB, WHICH I
23 THINK REALLY HELPED THE CONSTITUENCY HE WAS
24 APPOINTED TO REPRESENT BE WELL REPRESENTED
25 HERE, AND IT'S BEEN ABLY FOLLOWED THROUGH ON BY

1 MR. JONES, BUT I REALLY ENJOYED WORKING WITH

2 SAM.

3 KATHY NEAL WAS ALSO AN EXTREMELY

4 TENACIOUS AND STRONG MEMBER OF THIS BOARD, AND

5 BOTH SAM AND KATHY AND I HAVE CONTINUED TO HAVE

6 REGULAR CONTACT WITH, AND I HOPE THAT THE SAME

7 KIND OF FRIENDSHIPS I DEVELOPED WITH THEM I

8 WILL BE ABLE TO CONTINUE WITH EACH OF YOU.

9 AND FINALLY PAUL RELISH, WHO I

10 THINK AGAIN PICKED CERTAIN AREAS THAT HE FELT

11 VERY STRONGLY ABOUT AND VERY TENACIOUSLY STUCK

12 TO THEM AND I THINK MADE A GREAT CONTRIBUTION

13 TO WHAT HAS GONE ON HERE.

14 I WANT TO MENTION -- I HAVE GONE

15 THROUGH A NUMBER OF STAFF PEOPLE OVER ALMOST

16 NINE YEARS' TIME, BUT I WANT TO MENTION THE

17 CURRENT FOLKS WHO HAVE WORKED FOR ME AND ARE

18 WORKING FOR ME WHO HAVE DONE I THINK A TERRIFIC

19 JOB.

20 BOB FREDENBERG, WHO IS SITTING

21 BACK BEHIND ME HERE, I'M VERY GRATEFUL TO, AND

22 HE IS GOING TO BE GOING DOWN TO -- RETURNING TO

23 THE CAPITOL WITH ME AND BE ON MY STAFF. I'M

24 SURE THAT EVERYONE HERE WHO HAS WORKED ON

25 LEGISLATION KNOWS HOW EFFECTIVE BOB IS IN THE

1 LEGISLATIVE PROCESS AS WELL AS THE WORK THAT HE
2 HAS DONE HERE.
3 TRACY PERRY TOOK A LEAVE OF
4 ABSENCE AND MANAGED MY CAMPAIGN AND IS GOING TO
5 BE MY CHIEF OF STAFF DOWNTOWN AND HAS JUST
6 GROWN TREMENDOUSLY FROM A YOUNG, FAIRLY
7 INEXPERIENCED PERSON TO I THINK JUST AN
8 ABSOLUTELY TOP-NOTCH PERSON, BOTH FROM A POLICY
9 AND A POLITICAL STANDPOINT, AND I FEEL VERY
10 FORTUNATE THAT SHE HAS BEEN WILLING TO HELP ME
11 IN ALL THREE STAGES OF MY WORK.
12 I ALSO WANT TO MENTION KATHY
13 MARSH, WHO HAS JUST BEEN A REALLY, REALLY
14 WONDERFUL, LOYAL, PATIENT, TOLERANT PERSON
15 THROUGH ALL OF THE AMBIGUITIES AND CHANGES THAT
16 HAVE GONE ON AS A RESULT OF MY DECIDING TO DO
17 THIS. I THINK IT'S A HARD JOB FOR ANYBODY TO
18 WORK FOR PEOPLE IN THESE POSITIONS IN THAT
19 CAPACITY, AND KATHY HAS JUST DONE A REALLY
20 GREAT JOB, AND I WANT TO THANK HER PERSONALLY.
21 AND THEN WHILE TRACY WAS OFF
22 HELPING ME WITH THE CAMPAIGN, BENDAN BLUE
23 STEPPED IN AND DID A VERY GOOD JOB OF HELPING
24 KEEP THE OFFICE IN PLACE. AND I HAVE TRIED TO
25 STAY INFORMED WHILE I HAVE BEEN GONE, AND SO

1 BOTH BENDAN AND BOB HAVE KEPT TRACK OF THINGS
2 HERE AT THE BOARD FOR ME AND KEPT ME REGULARLY
3 INFORMED SO THAT I COULD ARRIVE BACK FOR MY ONE
4 MEETING WITHOUT BEING TOO FAR BEHIND ON THE
5 CURVE.

6 THE BOARD STAFF IS THE KEY TO THE
7 PROGRESS AND THE SUCCESS THAT WE HAVE MADE. WE
8 HAVE AN UNPARALLELED, PHENOMENAL STAFF HERE AT
9 THIS BOARD, AND I WANT TO COMPLIMENT ALL OF
10 YOU, AND I HOPE THAT OTHERS IN THE BUILDING AND
11 ACROSS THE FIELD HERE ARE LISTENING SO THAT
12 THEY GET THE MESSAGE.

13 I HOPE THAT EACH OF YOU GO BACK
14 TO -- WHO ARE ON THE STAFF GO BACK TO YOUR
15 DIVISION AND LET PEOPLE KNOW WHAT I SAID
16 BECAUSE -- I HAVE SAID IT BEFORE. THIS IS NOT
17 THE FIRST TIME. I AM A GREAT ADMIRER OF THE
18 QUALITY OF THE STAFF THAT IS HERE AT THE BOARD
19 AND FEEL THAT FOR ALL OF THE BRAGGING ON THE
20 CAMPAIGN TRAIL AND UNDER OTHER CIRCUMSTANCES I
21 HAVE MADE ABOUT THE ACHIEVEMENTS OF THIS BOARD,
22 THAT REALLY IT'S THE WORK OF THE STAFF THAT HAS
23 MADE THAT POSSIBLE.

24 IT'S DANGEROUS TO SINGLE OUT ANY
25 PROGRAM OR DIVISION, BUT I'M GOING TO ANYWAY.

1 IT'S NOT A REFLECTION ON ANYBODY ELSE BEING
2 LESS VALUABLE, BUT I HAVE HAPPENED TO HAVE
3 WORKED IN THE AREA OF LOCAL ASSISTANCE AND
4 PLANNING MUCH MORE CLOSELY, AND SO I HAVE HAD
5 VERY, VERY CLOSE WORKING RELATIONSHIP.
6 JUDY FRIEDMAN AND THE STAFF OF THE
7 DIVERSION PLANNING AND LOCAL ASSISTANCE HAS
8 JUST DONE A PHENOMENAL JOB OF WALKING THAT
9 INCREDIBLY DIFFICULT FINE LINE BETWEEN
10 ENFORCING A MANDATE AND ASSISTING THE LOCAL
11 GOVERNMENTS TO ACHIEVE STATE GOALS.
12 I KNOW THERE ARE OTHER DIVISIONS
13 WHO HAVE THAT SAME BALANCING ACT, SO AGAIN I'M
14 NOT BELITTILING THAT OTHERS HAVE DONE IT AS
15 WELL, BUT I HAVE JUST SEEN FIRSTHAND AND CLOSE
16 UP HOW EFFECTIVELY THE STAFF OF THAT DIVISION
17 HAVE CARRIED OUT THAT VERY DIFFICULT BALANCING
18 ACT, AND I JUST WANT TO THANK EACH OF THEM AND
19 TELL THEM THAT I'M GOING TO MISS WORKING
20 CLOSELY WITH THEM.
21 WE ARE A UNIQUE BOARD WITH A
22 UNIQUE MANDATE AND A UNIQUE ROLE FOR THE BOARD
23 ITSELF, AND AS I LOOK BACK AT OUR TRACK RECORD,
24 I SORT OF FLUCTUATE BETWEEN THE OPTIMIST AND
25 THE CRITIC IN ME ABOUT WHETHER OR NOT THE GLASS

1 IS HALF EMPTY OR THE GLASS IS HALF FULL, AND
2 YOU CAN LOOK AT IT EITHER WAY.
3 ON THE ONE HAND WE HAVE ACHIEVED A
4 TREMENDOUS AMOUNT, AND AGAIN I SAY WE, I'M
5 TALKING ABOUT THE ENTIRE ORGANIZATION AND ALL
6 OF THE PEOPLE, LOCAL GOVERNMENTS AND PRIVATE
7 INDUSTRY THAT WE WORK WITH.
8 WE HAVE ACHIEVED WHAT I THINK IS
9 SOMEWHERE IN THE NEIGHBORHOOD OF A 35 PERCENT
10 WASTE DIVERSION SINCE 1990. WE HAVE MADE
11 SIGNIFICANT IMPROVEMENT IN THE MANAGEMENT OF
12 SOLID WASTE FACILITIES IN THIS STATE, AND WHILE
13 I HAVE MOANED AND GROANED AND COMPLAINED AND
14 CRITICIZED PERMITS AND DONE ALL KINDS OF
15 THINGS, THE FACT IS THAT THERE HAS BEEN A
16 STEADY PROGRESS OVER TIME, AND THAT IS -- IT'S
17 SIGNIFICANT.
18 WE HAVE EMPOWERED LOCAL AGENCIES,
19 AND WE HAVE EMPOWERED LEAS, AND I THINK THAT IS
20 VERY SIGNIFICANT. IT'S A DIFFERENT APPROACH
21 THAN ANY OTHER STATE MANDATE THAT I HAVE EVER
22 SEEN, WHERE WE HAVE ACTUALLY GONE OUT THERE AND
23 TRIED TO BUILD UP THE CAPACITY TO COMPLY AND
24 NOT JUST WALKED AROUND WITH A BIG STICK
25 THREATENING AND BEATING PEOPLE UP, WHICH IS

1 WHAT LOCAL GOVERNMENTS USUALLY EXPERIENCE FROM
2 STATE AGENCY AND WHAT PRIVATE INDUSTRY HAS COME
3 TO EXPERIENCE.

4 WE HAVE CREATED NEW JOBS AND
5 BUSINESSES IN RECYCLING. WE HAVE MADE A DENT
6 IN THE ILLEGAL TIRE PILE PROBLEM, A SIGNIFICANT
7 DENT, BUT OF COURSE THE PROBLEM IS SO LARGE
8 THAT IT'S HARD TO SEE HOW SIGNIFICANT, BUT IT
9 IS A VERY SIGNIFICANT DENT.

10 WE HAVE SIGNIFICANTLY INCREASED
11 THE AMOUNT OF USED OIL BEING COLLECTED AND
12 RECYCLED, AND WE HAVE INCREASED THE USE OF
13 RECYCLED CONTENT PRODUCTS AS WELL AS CREATING
14 HUNDREDS OF NEW JOBS AND BUILDING AND
15 STRENGTHENING THE CALIFORNIA ECONOMY AS A
16 RESULT OF OUR RECYCLING MARKET DEVELOPMENT.

17 HOWEVER, WHEN I THINK OF THE
18 POTENTIAL, I ALSO THINK ABOUT HOW THE GLASS IS
19 HALF FULL, AND WE HAVE MANY MORE CHALLENGES TO
20 OVERCOME. THE OPPORTUNITIES TO PROTECT
21 CALIFORNIA'S ENVIRONMENT, CONSERVE NATURAL
22 RESOURCES, AND BUILD A SUSTAINABLE ECONOMY
23 THROUGH WASTE PREVENTION, RECYCLING, AND
24 COMPOSTING ARE ALL HUGE.

25 SO I HOPE THAT AS A BOARD YOU WILL

1 NOT LET UP AND THAT YOU WILL REDEDICATE
2 YOURSELVES TO THE TASKS AT HAND. I'M CONFIDENT
3 THAT THE NEW APPOINTEES TO THE BOARD FROM THE
4 SENATE AND GOVERNOR ELECT DAVIS WILL BE
5 STRONGLY DEDICATED TO THE PRINCIPLES OF THIS
6 LAW.
7 AND SO I HOPE YOU WILL WELCOME
8 THEM AND COOPERATE WITH THEM, AS WE HAVE HAD A
9 DIVERSE BOARD IN THE PAST. I THINK IT'S GOING
10 TO BE VERY IMPORTANT TO TRY TO MAINTAIN THE
11 CENTER, IF YOU WILL, IN TERMS OF THE FACT THAT
12 THE DIVERSE APPOINTING AUTHORITIES COALESCE
13 AROUND CONTINUED CONSISTENCY AND PROGRESS IN
14 ACHIEVING THE VERY, VERY IMPORTANT PRINCIPLES
15 OF AB939.
16 AS SENATOR I WILL BE BOTH A FRIEND
17 TO THE BOARD AND TO THE AB939, BUT ALSO A
18 MONITOR TO TRY TO SEE TO IT -- ESPECIALLY AS
19 BYRON SHER LEAVES THE SENATE IN TWO YEARS AND
20 THERE WILL BE NO LEGISLATOR AROUND WHO VOTED ON
21 AB939 TWO YEARS FROM NOW. I THINK THAT I WILL
22 HAVE AN IMPORTANT ROLE IN BEING A MEMBER OF THE
23 LEGISLATURE WHO WILL PROVIDE SOME CONTINUITY IN
24 TERMS OF A RELATIONSHIP WITH THE LEGISLATURE
25 AND IN MEMORY OF WHAT THE ORIGINAL IDEA WAS AND

1 ALSO A WILLINGNESS TO PARTNER WITH THE BOARD ON
2 WHERE DO WE GO NEXT, WHERE DO WE GO BEYOND THE
3 -- YOU KNOW, FOR THE YEAR 2000 AND BEYOND 50
4 PERCENT.

5 I WILL MISS WORKING WITH ALL OF
6 YOU ON A DAY-TO-DAY BASIS, BUT I'M CERTAIN THAT
7 BOTH WITH THE STAFF -- WITH MY CONTINUED
8 INTEREST IN THIS, BOTH WITH THE STAFF AND WITH
9 MR. CHANDLER IN PARTICULAR, WHO I FAILED TO
10 MENTION, AND I SHOULD ALSO EXTEND MY GRATITUDE
11 TO. BUT WITH ALL OF YOU I'M SURE THAT WE WILL
12 HAVE AN ONGOING WORKING RELATIONSHIP, THAT THIS
13 IS NOT THE DISCONNECT WHERE YOU ARE NEVER GOING
14 TO SEE ME AGAIN. WE HAVE GOT A WHOLE LOT OF
15 WORK TO DO TOGETHER, AND I AM LOOKING FORWARD
16 TO HAVING THE OPPORTUNITY TO DO THAT WITH YOU
17 IN THE STATE SENATE.

18 THANKS.

19 (APPLAUSE)

20 CHAIRMAN PENNINGTON: VERY GOOD. WE
21 WILL NOW MOVE TO REPORTS FROM BOARD MEMBERS.
22 DO ANY BOARD MEMBERS HAVE ANYTHING
23 THEY WOULD LIKE TO -- MR. JONES.

24 MEMBER JONES: MR. CHAIRMAN, IT'S HARD
25 TO FOLLOW SENATOR CHESBRO'S HISTORY, BUT I DO

1 WANT TO JUST BRING UP A SMALL EFFORT THAT THE
2 BOARD WAS PARTICIPANT IN THIS WEEKEND AND
3 CONGRATULATE THE BOARD MEMBERS AND STAFF THAT
4 PARTICIPATED IN THE AMERICA RECYCLES DAY EVENTS
5 THROUGHOUT THE STATE, GIVING OUT CERTIFICATES
6 AT 20 DIFFERENT EVENTS THROUGHOUT THE STATE OF
7 CALIFORNIA OVER THE LAST COUPLE OF DAYS AND
8 ACKNOWLEDGING 50 CITIES AT A MINIMUM WITH
9 CERTIFICATES OF COMMENDATION FOR THE FACT THAT
10 THEY HAD MET THE FIRST PART OF THE MANDATE.
11 WE ALSO GAVE OUT SIX OR SEVEN
12 RAFFLE AWARD WINNERS, AND I SENT AN E-MAIL OUT,
13 SO I THINK THE STAFF KNOWS HOW I FEEL ABOUT IT,
14 BUT FOR THE SAKE OF THIS REPORT, I THINK THAT
15 THIS PROACTIVE INITIATIVE THAT WE TOOK MEANT AN
16 AWFUL LOT TO PEOPLE OUT DOING THE JOB EVERY DAY
17 THAT THEY HAD IN FACT BEEN ACKNOWLEDGED BY THIS
18 BOARD FOR EFFORTS THAT WERE PRETTY PHENOMENAL
19 IN MEETING A MANDATE THAT HAS PUT A BURDEN ON
20 AN AWFUL LOT OF THEM AND OPPORTUNITIES ON EVEN
21 MORE.
22 AND THEY APPRECIATED IT, AND I
23 THINK WE AS A BOARD APPRECIATE THE EFFORT, AND
24 I THINK THESE ARE THE TYPES OF THINGS THAT ARE
25 GOING TO KEEP PEOPLE FOCUSED ON WHAT WE ARE

1 DOING.

2 SENATOR CHESBRO SAYS THERE IS ONLY

3 ONE MEMBER THAT VOTED ON AB939 THAT IS LEFT.

4 PEOPLE NEED TO REMEMBER, ESPECIALLY STAFF, WHEN

5 WE ARE DEALING WITH A CITY OR A COUNTY,

6 ESPECIALLY THE YOUNG ONES, THE NEW CITY COUNCIL

7 MEMBERS, THE NEW STAFF, THEY WERE 16, 17, 18

8 YEARS OLD WHEN THAT BILL WAS SIGNED.

9 THEY DIDN'T KNOW ABOUT BARGES

10 GOING ALONG THE EASTERN SEABOARD LOOKING FOR A

11 HOME FOR WASTE. THEY DIDN'T UNDERSTAND OR

12 PROBABLY CAN'T REMEMBER WHAT WAS A VERY REAL

13 LANDFILL CRISIS OR THE MOVEMENT FOR RESOURCE

14 CONSERVATION.

15 AND I THINK IT'S INCUMBENT ON US

16 TO CONTINUALLY REINFORCE -- AND NOT ONLY JUST

17 DEAL WITH WHAT WAS THE STATUS QUO AS TO WHY WE

18 DID IT BUT CONTINUALLY FOCUS ON WHAT OUR NEXT

19 STEPS ARE.

20 YOU KNOW, OUR RESOURCES ARE NOT

21 GOING TO LAST FOREVER. I MEAN THEY HAVE LASTED

22 AN AWFUL LONG TIME, THEY MAY LAST A LONG TIME,

23 BUT WE NEED TO MANAGE THEM, AND WE NEED TO BE

24 AWARE OF THAT WHEN WE ARE OUT TALKING ABOUT

25 AB939 AND DOING OUR JOB.

1 SO I JUST WANTED TO CONGRATULATE
2 ALL OF US. I KNOW EVERY BOARD MEMBER ON THIS
3 DAIS WAS AT SOME PART OF THE STATE ON EITHER
4 SATURDAY, SUNDAY, OR BOTH DAYS, MONDAY,
5 TUESDAY. WE WERE ALL OVER THE PLACE, AS WAS
6 STAFF, AND PEOPLE APPRECIATED THAT, AND PEOPLE
7 WERE AMAZED THAT WE TOOK OUR WEEKEND TO PROMOTE
8 WHAT IT IS WE ARE ABOUT AND CONGRATULATE THEM,
9 SO I WANT TO THANK THE CHAIRMAN AND THE BOARD
10 MEMBERS AND ALL THE STAFF.

11 CHAIRMAN PENNINGTON: I THINK I WOULD
12 LIKE TO ESPECIALLY COMPLIMENT THE PUBLIC
13 AFFAIRS STAFF AND YOUR STAFF, JEFF, AND CALVIN
14 YOUNG, FOR AN EXCELLENT JOB IN PUTTING ALL OF
15 THIS TOGETHER, BECAUSE IT WAS A MAJOR TASK TO
16 GET US ALL ASSIGNED AND GET EVERYTHING PUT
17 TOGETHER, AND SO I WANT TO PARTICULARLY
18 CONGRATULATE THEM AS WILL.

19 MEMBER EATON: AND I WOULD JUST LIKE
20 TO ADD AS WELL, I WAS LUCKY -- I THINK LUCKIER
21 THAN MOST OF THE BOARD MEMBERS, I WAS FORTUNATE
22 ENOUGH TO HAVE TO GO TO MARIN COUNTY, WHERE IT
23 IS A BASTION OF RECYCLING AND ACTUALLY ONE WHO
24 HAS NOT ONLY EMBRACED BUT ACTUALLY EXCEEDED THE
25 WILDEST DREAMS OF MOST PEOPLE IN THEIR ORIGINAL

1 ESTIMATES OF WHAT COULD BE DONE WITH THIS LAW.
2 JUST TO REPEAT A FUNNY STORY, WHEN
3 BYRON SHER HAD DECIDED TO GO FORWARD WITH THIS
4 LAW, HE MET WITH JOE GARBARINO AND HAD SPOKE
5 ABOUT WHAT HE WAS ABOUT TO DO, AND AFTER THE
6 SPEECH, FOR THOSE OF YOU WHO KNOW JOE, HE CAME
7 UP TO BYRON AFTERWARDS AND HE SAID, WELL, LET
8 ME TELL YOU ABOUT SOME THINGS THAT NEED TO BE
9 CORRECTED, AND BYRON, BEING THE ATTORNEY THAT
10 HE WAS, LOOKED AT JOE AND SAID, I PATTERNED IT
11 AFTER EXACTLY WHAT YOU DID, WHICH LEFT JOE
12 SPEECHLESS FOR THE FIRST TIME I THINK EVER IN
13 HIS LIFE, AND HE REPEATED THAT STORY YESTERDAY.
14 AND I THINK THAT JUST BEING IN
15 MARIN COUNTY, I WANTED TO THANK BOTH THE STAFF
16 AS WELL AS EVERYONE ELSE. IT WAS REALLY -- IT
17 KIND OF IS AN EXCITING PROSPECT TO DO THAT.
18 AND I THINK THAT ONE OF THE
19 THINGS -- AND I JUST WANT TO MENTION TO WES
20 CHESBRO, WHO I UNFORTUNATELY DIDN'T HAVE A LOT
21 OF TIME TO SPEND WITH HERE BUT KNOW PEOPLE WHO
22 SPENT A LOT OF TIME WITH HIM DURING THE
23 CAMPAIGN, THE KIND OF CHARACTER THAT YOU ARE
24 GOING TO SEE FROM HIM IN THE SENATE I THINK,
25 AND IT WAS EXHIBITED DURING THE CAMPAIGN AND

1 PROBABLY YOU EXPERIENCED HERE DURING THE BOARD
2 IS GOING TO SERVE YOU WELL, QUITE WELL, BECAUSE
3 WHEN YOU LEAVE EITHER THE ASSEMBLY OR THE
4 SENATE, THE ONLY THING YOU HAVE LEFT IS YOUR
5 WORD, AND I THINK WES CHESBRO IS GOING TO BE A
6 MAN OF HIS WORD. HE HAS PROVEN IT ALREADY, AND
7 I THINK HE IS GOING TO CONTINUE TO DO SO.
8 I DON'T LOOK AT HIS MONITORING AS
9 A NEGATIVE. I THINK IT'S A POSITIVE. THE
10 UNDERPINNINGS AND THE TENETS WHICH UNDERLIE
11 AB939, FOR THE MOST PART SOME OF THEM ARE NO
12 LONGER IN EXISTENCE. WE NEED SOMEONE WHO
13 UNDERSTANDS. IN THE ERA OF TERM LIMITS, YOU
14 HAVE TO UNDERSTAND AT LEAST THAT THERE ISN'T A
15 LOT OF DEPTH OR EXPERIENCE WITH REGARD TO
16 POLICY MATTERS. THIS IS AN AREA WHERE POLICY
17 DOES MATTER, AND WE ARE FORTUNATE TO HAVE
18 SOMEONE WHO UNDERSTANDS IT.
19 I THINK HE IS GOING TO BE DOING
20 OTHER KINDS OF THINGS IN THE SENATE IN OTHER
21 AREAS, AND I THINK THAT'S GOING TO BODE WELL
22 BOTH FOR NOT ONLY YOUR TENURE THERE BUT YOUR
23 LEADERSHIP CAPABILITIES, SHOULD THE OCCASION
24 PRESENT ITSELF. SO WHATEVER I CAN DO TO HELP
25 YOU ON THAT ONE, I WILL BE GLAD TO.

1 MEMBER CHESBRO: THANK YOU, DAN.

2 CHAIRMAN PENNINGTON: OKAY.

3 MEMBER RHOADS: WELL, MAYBE I WILL SAY
4 SOME WORDS.

5 CHAIRMAN PENNINGTON: MR. RHOADS.

6 MEMBER RHOADS: I TOO WANT TO --
7 AMERICA RECYCLES DAY WAS A GREAT EXPERIENCE.
8 VISITED SAN FRANCISCO, AND WE HAD A LARGE
9 NUMBER OF PEOPLE, TV CAMERAS, AND IT WAS QUITE
10 A SHOW AND VERY, VERY ENJOYABLE.

11 I ALSO VISITED THE CITY OF
12 FREMONT. I WANT TO THANK LUMBERJACK FOR THE
13 GREAT WORK THAT THEY DID IN THAT PARTICULAR
14 EXHIBIT.

15 I ALSO WANT TO PAY A SPECIAL
16 RECOGNITION. YESTERDAY I VISITED THE MONTEREY
17 MARINA FACILITY AND WAS PLEASED TO FIND OUT
18 THAT THEY HAD RECEIVED AN AWARD FROM SWANA OF
19 THE BEST SOLID WASTE FACILITY IN NORTH AMERICA,
20 AND I THINK THAT SHOULD BE CALLED TO
21 EVERYBODY'S ATTENTION.

22 DAVID MYERS AND THE BOARD MEMBERS
23 THERE DESERVE TO BE CONGRATULATED. I THINK
24 THEY WILL HAVE A FORMAL CEREMONY THIS FRIDAY.
25 BUT IT'S QUITE A FACILITY, AND FOR THOSE OF YOU

1 WHO HAVEN'T SEEN IT, I WOULD URGE YOU TO GO
2 DOWN THERE AND TAKE A TOUR. IT'S VERY, VERY
3 EXCITING.

4 AND I TOO WANT TO ECHO THE
5 SENATOR'S COMMENTS ABOUT THE LOCAL ASSISTANT
6 STAFF. IT'S EXTREMELY, EXTREMELY IMPORTANT
7 THAT WE PROVIDE THAT ASSISTANCE TO LOCAL
8 GOVERNMENT, AND THE LOCAL GOVERNMENTS THAT I
9 VISITED WERE VERY, VERY APPRECIATIVE FOR THE
10 WORK THAT PEOPLE HAVE DONE.

11 AND I WANT TO SAY THAT I HAD HEARD
12 OF THE SENATOR IN MY ENERGY COMMISSION DAYS,
13 AND THE PEOPLE IN THE ENERGY COMMISSION THOUGHT
14 VERY HIGHLY OF HIM AND THE WORK THAT HE HAD
15 DONE.

16 THANK YOU.

17 CHAIRMAN PENNINGTON: THANK YOU.

18 OKAY. NOW WE WILL MOVE TO A
19 REPORT FROM THE EXECUTIVE DIRECTOR.

20 MR. CHANDLER.

21 MR. CHANDLER: NOTHING NEW REALLY TO
22 REPORT AT THIS MONTH'S MEETING, MR. CHAIRMAN.
23 I DO JUST WANT TO ECHO MR. JONES'S
24 SENTIMENTS AND THANK ON BEHALF OF THE EXECUTIVE
25 OFFICE ALL THOSE STAFF FROM THE EXECUTIVE STAFF

1 ON DOWN TO VARIOUS MANAGERS AND STAFF THAT
2 PARTICIPATED IN THE AMERICA RECYCLES DAY EVENT.
3 I KNOW KEITH SMITH FROM ARCATA AND
4 PAUL WILLIAM IN PALM DESERT, WE HAD GOOD
5 COVERAGE AT ALL THE EVENTS AND GOT VERY GOOD
6 FEEDBACK ON THE APPRECIATIVE ASPECTS THAT WERE
7 BROUGHT FORWARD BY LOCAL OFFICIALS IN RECEIVING
8 THOSE PLACQUES.
9 I ALSO JUST WANT TO MENTION THAT
10 WE WILL BE KEEPING THE BOARD, AS WE HAVE DONE
11 IN THE PAST, INFORMED OF THE PROGRESS WE ARE
12 MAKING ON THE TIGON FORECLOSURE. AS YOU KNOW,
13 THIS IS A VERY LENGTHY PROCESS, AND AS CAREN
14 TRGOVCICH AND I HAVE DONE IN THE PAST, WE ARE
15 PROCEEDING IN BRINGING THAT LONGSTANDING
16 FORECLOSURE ON ONE OF OUR MARKET DEVELOPMENT
17 LOANS TO CLOSURE, AND I WILL KEEP YOU POSTED AS
18 THAT PROGRESSES OVER THE WEEKS AHEAD.
19 AND FINALLY I DO WANT TO SAY THANK
20 YOU TO MEMBER CHESBRO FOR YOUR EIGHT AND A HALF
21 YEARS OF SERVICE ON THE BOARD.
22 WES, YOU HAVE BEEN A TIRELESS
23 SUPPORTER OF OUR PLANNING AND LOCAL BUSINESS
24 MARKET EFFORTS, AND I KNOW ON BEHALF OF ALL
25 STAFF WE CONGRATULATE YOU ON YOUR ELEVATION TO

1 THE STATE SENATE.

2 I PERSONALLY LOOK FORWARD TO

3 WORKING WITH YOU IN THE SENATE AND YOUR NEW

4 CAREER IN PUBLIC SERVICE IN THAT REGARD, AND AS

5 MR. EATON JUST INDICATED THAT YOUR POSITION

6 THERE WILL CERTAINLY BE A NICE GUARDIAN OVER

7 THE EFFORTS THAT WE HAVE MADE HERE AT THE

8 BOARD, AND I LOOK FORWARD TO YOU CONTINUING IN

9 THAT SPIRIT TO MAKE THIS ORGANIZATION GROW IN

10 ITS MANDATE AND ITS RESPONSIBILITIES IN THIS

11 VERY IMPORTANT ARENA.

12 THANK YOU.

13 MEMBER CHESBRO: THANK YOU, RALPH, AND

14 YOU KNOW I REALLY -- I SCRIBBLED NOTES THIS

15 MORNING BEFORE I CAME DOWN HERE, AND IT WAS A

16 GREAT OMISSION FOR ME TO NOT SINGLE YOU OUT FOR

17 YOUR LEADERSHIP HERE, AND I REALIZED IT IN THE

18 MIDDLE OF MY COMMENTS, AND IT WAS NOT AN

19 INTENTION SLIGHT AT ALL. I MENTIONED HOW GREAT

20 A JOB STAFF HAS DONE, AND I KNOW THAT, KNOWING

21 YOU, THAT'S WHAT YOU WOULD WANT ME TO DO WOULD

22 BE TO FOCUS ON THE STAFF.

23 MR. CHANDLER: RIGHT.

24 (LAUGHTER)

25 MEMBER CHESBRO: BUT IT IS REALLY

1 REMISS TO SAY THAT THE STAFF IS GREAT TO NOT
2 POINT OUT THAT THEIR LEADER HAS DONE A REALLY
3 GREAT JOB, SO I'M POINTING THAT OUT RIGHT NOW
4 AND THANKING YOU.

5 CHAIRMAN PENNINGTON: OKAY. MOVING
6 ALONG TO THE REPORT ON THE 21ST CENTURY POLICY
7 DEVELOPMENT PROCESS.
8 DO EITHER OF YOU WANT TO COMMENT
9 ON THAT?

10 MEMBER EATON: I WOULD BE HAPPY TO.

11 CHAIRMAN PENNINGTON: MR. EATON.

12 MEMBER EATON: PLENTY OF NEWS ON THAT
13 FRONT.

14 AS WAS MENTIONED TWO WEEKS AGO, I
15 BELIEVE, AT OUR LAST BOARD MEETING, THE 21ST
16 CENTURY PROJECT IS UNDERWAY. IT'S GOING TO BE
17 HELD JANUARY 20TH, 1999, AT THE INDUSTRY HILLS.
18 I'M HAPPY TO REPORT THAT WE HAVE
19 SENT OUT THE INVITATIONS, I BELIEVE YESTERDAY.
20 PLANS ARE UNDERWAY FOR MR. RAY ANDERSON, THE
21 CEO OF INTERFACE, ONE OF THE MOST INNOVATIVE
22 AND CREATIVE LEADERS IN THE INDUSTRY, TO
23 UTILIZE BY THE PRIVATE SECTOR RECYCLED PRODUCT
24 AND RECYCLE TECHNOLOGY, NOT JUST IN TERMS OF
25 MANUFACTURING BUT ACTUALLY GOING FROM TOP TO

1 BOTTOM IN HIS MANUFACTURING PROCESS FOR THE
2 WORLD'S LARGEST MANUFACTURER OF COMMERCIAL
3 CARPETING, FLOORING, AND THOSE KINDS OF THINGS,
4 TO LOOK AT HIS WHOLE OPERATION, NOT JUST THE
5 END PRODUCT, BUT EVERYTHING AS IT GOES INTO IT,
6 FROM SMOKE STACKS TO MATERIAL TO EMPLOYEES AND
7 HOW THEY ACT.

8 AND HE WILL BE OUR KEY NOTE
9 SPEAKER ON THAT DAY AS WELL AS BYRON SHER, THE
10 FATHER OF AB939. AS INDICATED, HE IS GOING TO
11 DO WHATEVER HE CAN TO MAKE SURE THAT HE ATTENDS
12 AND PRESENTS HIS KIND OF VIEWS BOTH AS TO WHERE
13 WE HAVE BEEN, WHERE WE ARE, AND WHERE HE WOULD
14 LIKE TO SEE THINGS GOING.

15 SO I THINK THINGS ARE MOVING VERY,
16 VERY WELL. MR. JONES HAS DONE A HECK OF A JOB
17 JUST TRYING TO KEEP THE LOGISTICS MOVING, AND I
18 BELIEVE THAT WE ARE READY TO HAVE A VERY, VERY
19 SUCCESSFUL CONFERENCE.

20 STEVE, IF YOU HAVE GOT ANYTHING TO
21 ADD TO THAT, OR RALPH.

22 EVERYONE HAS KIND OF WORKED IN A
23 COOPERATIVE MANNER, AS YOU WELL KNOW. THIS IS
24 GOING TO TAKE PLACE EARLIER, AND PERHAPS
25 PROBABLY ALREADY TAKEN PLACE, BUT I THINK

1 THROUGH THE WISDOM AND JUST THE SHEER
2 DETERMINATION BY ALL OF THOSE, INCLUDING THE
3 STAFF, THAT THE TIMING WAS RIGHT, AND WHEN THE
4 TIMING WAS RIGHT, WE KNEW IT WAS RIGHT, AND
5 THEREFORE WE WENT FOR IT AT THE APPROPRIATE
6 TIME.

7 MEMBER JONES: I THINK JUST TO ADD TO
8 THAT, WE ARE GOING TO BE DOING SOME WORK AGAIN
9 WITH THE STAFF PRIOR TO THE ACTUAL EVENT IN
10 JANUARY. WE SENT OUT 225 INVITATIONS. I THINK
11 WE HAVE ONLY GOT SEATING AND WE ARE ONLY GOING
12 TO ALLOW 180 PEOPLE OR 175, SO THIS IS STRICTLY
13 BY INVITATION ONLY.
14 WE HAVE HIT EVERY SEGMENT POSSIBLE
15 TO TRY TO GET VIEWS FROM EVERYBODY TALKING
16 ABOUT WHAT THE FUTURE IS GOING TO BE OR WHAT
17 THE ISSUES ARE GOING TO BE, AND THE PRODUCT IS
18 GOING TO DEPEND ON PEOPLE'S WILLINGNESS TO BE
19 ENGAGED. WE KEEP TELLING THEM THAT THEY NEED
20 TO BE ENGAGED, SO WE WILL SEE. I THINK IT'S
21 GOING TO BE GREAT.

22 CHAIRMAN PENNINGTON: VERY GOOD.
23 OKAY. WE WILL MOVE TO ITEM NO. 2,
24 CONSIDERATION OF A NEW STANDARDIZED COMPOSTING
25 PERMIT FOR THE LAGUNA SUBREGIONAL COMPOST

1 FACILITY IN SONOMA COUNTY.

2 JULIE NAUMAN.

3 AGENDA ITEM NO. 2

4 MS. NAUMAN: GOOD MORNING,
5 MR. CHAIRMAN AND MEMBERS. THIS ITEM WILL BE
6 PRESENTED BY BRIAN LARIMORE, THE PERMITTING AND
7 INSPECTION BRANCH.

8 CHAIRMAN PENNINGTON: THANK YOU.
9 BRIAN.

10 MR. LARIMORE: GOOD MORNING,
11 MR. CHAIRMAN, BOARD MEMBERS. THIS ITEM IS FOR
12 A PROPOSED CHANGE FROM A REGISTRATION PERMIT TO
13 A STANDARDIZED COMPOSTING PERMIT FOR THE LAGUNA
14 SUBREGIONAL COMPOST FACILITY. COPIES OF THE
15 RESOLUTION ARE AVAILABLE AT THE TABLE AT THE
16 BACK OF THE ROOM.
17 THE SITE IS LOCATED APPROXIMATELY
18 FIVE MILES SOUTHWEST OF THE CITY OF SANTA ROSA,
19 ADJACENT TO THE LAGUNA SUBREGIONAL WASTEWATER
20 TREATMENT PLANT IN SONOMA COUNTY.
21 THE FACILITY IS OWNED AND OPERATED
22 BY THE CITY OF SANTA ROSA. THE FACILITY
23 COMPOSTS DIGESTED SEWAGE SLUDGE AND GREEN
24 MATERIALS. THE OPERATOR PROPOSES TO INCREASE
25 THE FEEDSTOCK STORAGE AREA BY 10,000 CUBIC

1 YARDS, INCREASE THE MAXIMUM DAILY PEAK VOLUME
2 TO 30,800 CUBIC YARDS, INCREASE THE MAXIMUM
3 DAILY PEAK VOLUME FROM 350 CUBIC YARDS PER DAY
4 TO 410 CUBIC YARDS PER DAY, INCREASE THE VOLUME
5 OF FEEDSTOCK AND ACTIVE COMPOST FROM 7,000
6 CUBIC YARDS TO GREATER THAN 10,000 CUBIC YARDS,
7 AND MAKE A SLIGHT CHANGE IN THE HOURS OF
8 OPERATION.

9 BEFORE I MAKE A RECOMMENDATION, I
10 WOULD LIKE TO SHOW A SHORT VIDEO ON THE SANTA
11 ROSA SUBREGIONAL BIOSOLIDS BENEFICIAL REUSE
12 PROGRAM, OF WHICH THIS FACILITY IS AN INTEGRAL
13 PART.
14 THIS VIDEO SHOWCASES THE UNIQUE
15 ASPECTS OF THIS TYPE OF IN-VESSEL COMPOSTING
16 SYSTEM, OF WHICH I BELIEVE THERE ARE ONLY TWO
17 IN THE STATE.

18 (VIDEO SHOWN)

19 CHAIRMAN PENNINGTON: VERY GOOD.

20 MR. LARIMORE: AT THE TIME THE AGENDA
21 ITEM WAS PREPARED, BOARD STAFF HAD NOT MADE A
22 RECOMMENDATION ON THE PROPOSED PERMIT. BOARD
23 STAFF IS NOW PREPARED TO MAKE A RECOMMENDATION
24 BASED ON THE FOLLOWING BOARD AND LEA FINDINGS.
25 SONOMA COUNTY HAS AN APPROVED

1 COUNTYWIDE INTEGRATED WASTE MANAGEMENT PLAN,
2 AND THE BOARD'S OFFICE OF LOCAL ASSISTANCE HAS
3 DETERMINED THAT THE EXPANSION OF THIS FACILITY
4 IS IN CONFORMANCE WITH THE PLAN AS DESCRIBED IN
5 THE NONDISPOSAL FACILITY ELEMENT.

6 THE CITY OF SANTA ROSA COMMUNITY
7 DEVELOPMENT DEPARTMENT, ACTING AS LEAD AGENCY,
8 PREPARED AN EIR WITH A TECHNICAL SUPPLEMENT FOR
9 THE SANTA ROSA SUBREGIONAL SLUDGE BENEFICIAL
10 USE PROJECT, WHICH INCLUDES THIS PROJECT.

11 THE PROPOSED PERMIT IS CONSISTENT
12 WITH CEQA AND THE STANDARDS ADOPTED BY THE
13 BOARD, AND THE FACILITY AS DESCRIBED IN THE
14 RCSI IS EXPECTED TO OPERATE IN COMPLIANCE WITH
15 STATE MINIMUM STANDARDS.

16 IN CONCLUSION STAFF HAS REVIEWED
17 THE PROPOSED PERMIT AND SUPPORTING
18 DOCUMENTATION AND FOUND THEM ACCEPTABLE.

19 STAFF RECOMMENDS THAT THE BOARD
20 ADOPT RESOLUTION NO. 98-376 CONCURRING IN THE
21 ISSUANCE OF SOLID WASTE FACILITY'S PERMIT NO.
22 49AA0368.

23 MICHAEL REYNOLDS REPRESENTING THE
24 CITY OF SANTA ROSA AND JEFF LEWIN REPRESENTING
25 THE LEA ARE AVAILABLE TO ANSWER ANY QUESTIONS.

1 CHAIRMAN PENNINGTON: QUESTIONS?

2 MEMBER CHESBRO: MR. CHAIRMAN, I'M
3 PREPARED TO MOVE THE ITEM.

4 CHAIRMAN PENNINGTON: OKAY. I'M
5 PREPARED TO ENTERTAIN A MOTION.

6 MEMBER CHESBRO: I MOVE.

7 MEMBER JONES: I'LL SECOND.

8 MEMBER EATON: THIRD, FOURTH, FIFTH.

9 WE ARE NOT USED TO HAVING SO MANY
10 MEMBERS ON THE BOARD, SO THE NUMBERS ARE A
11 LITTLE SLOW. WE'VE KIND OF HAD LITTLE UPS AND
12 DOWNS, SO TO SPEAK.

13 [LAUGHTER.]

14 CHAIRMAN PENNINGTON: IT'S BEEN MOVED
15 BY MR. CHESBRO AND SECONDED BY MR. JONES, THE
16 ADOPTION OF RESOLUTION 98-376.

17 IF THERE IS NO FURTHER DISCUSSION,
18 WILL THE SECRETARY CALL THE ROLL, PLEASE.

19 THE SECRETARY: BOARD MEMBER CHESBRO?

20 MEMBER CHESBRO: AYE.

21 THE SECRETARY: EATON?

22 MEMBER EATON: AYE.

23 THE SECRETARY: JONES?

24 MEMBER JONES: AYE.

25 THE SECRETARY: RHOADS?

1 MEMBER RHOADS: AYE.

2 THE SECRETARY: CHAIRMAN PENNINGTON?

3 CHAIRMAN PENNINGTON: AYE.

4 MOTION CARRIES.

5 WE WILL MOVE TO ITEM 3,

6 CONSIDERATION OF A REVISED SOLID WASTE FACILITY

7 PERMIT FOR THE NAPA GARBAGE SERVICE COMPOSTING

8 FACILITY IN NAPA COUNTY.

9 JULIE NAUMAN.

10 AGENDA ITEM NO. 3

11 MS. NAUMAN: FOR FORMAL PURPOSES OF

12 INTRODUCTION, BRIAN LARIMORE WILL ALSO PRESENT

13 THIS ITEM.

14 MR. LARIMORE: THANK YOU.

15 THIS ITEM IS FOR REVISION OF THE

16 SOLID WASTE FACILITY PERMIT FOR THE NAPA

17 GARBAGE SERVICE COMPOSTING FACILITY.

18 THE OPERATOR WAS ISSUED A FULL PERMIT

19 ON OCTOBER 1ST, 1992. PRIOR TO THE EFFECTIVE

20 DATE OF THE PERMIT REGULATORY [INAUDIBLE], A

21 REVISED FULL PERMIT WAS ISSUED ON AUGUST 9TH,

22 1995.

23 ALTHOUGH THIS FACILITY IS ONLY

24 REQUIRED TO OBTAIN A STANDARDIZED PERMIT, THE

25 OPERATOR HAS DECIDED TO MAINTAIN A FULL PERMIT.

1 COPIES OF THE RESOLUTION ARE
2 AVAILABLE ON THE TABLE AT THE BACK OF THE ROOM.
3 THE SITE IS LOCATED APPROXIMATELY
4 SIX MILES SOUTH OF THE CITY OF NAPA IN AN
5 UNINCORPORATED PORTION OF NAPA COUNTY. THE
6 FACILITY IS OWNED AND OPERATED BY NAPA GARBAGE
7 SERVICE, INC. THE FACILITY COMPOSTS YARD WASTE
8 AND UP TO 200 TONS PER YEAR OF AGRICULTURAL
9 WASTE.
10 THE OPERATOR PROPOSES TO EXPAND
11 THE EXISTING FACILITY FROM 5.25 ACRES TO 11.75
12 ACRES, INCREASE THE TOTAL CAPACITY FROM 30,000
13 CUBIC YARDS TO 60,000 CUBIC YARDS, INCREASE THE
14 PERMITTED TRAFFIC VOLUME FROM 40 VEHICLES PER
15 DAY TO 332 VEHICLES A DAY, AND INCREASE THE
16 MAXIMUM HEIGHT OF CURING AND FINISHED COMPOST
17 PILES FROM 15 FEET TO 20 FEET.
18 AT THE TIME THE AGENDA ITEM WAS
19 PREPARED, BOARD STAFF HAD NOT MADE A
20 RECOMMENDATION ON THE PROPOSED PERMIT. BOARD
21 STAFF IS NOW PREPARED TO MAKE A RECOMMENDATION
22 BASED ON THE FOLLOWING BOARD AND LEA FINDINGS:
23 NUMBER ONE, NAPA COUNTY HAS AN
24 APPROVED COUNTYWIDE INTEGRATED WASTE MANAGEMENT
25 PLAN, AND THE BOARD'S OFFICE OF LOCAL

1 ASSISTANCE HAS DETERMINED THAT THE EXPANSION OF
2 THIS FACILITY IS IN CONFORMANCE WITH THE PLAN.
3 NUMBER TWO, THE NAPA COUNTY
4 CONSERVATION, DEVELOPMENT, AND PLANNING
5 DEPARTMENT, ACTING AS LEAD AGENCY, PREPARED A
6 MITIGATED NEGATIVE DECLARATION FOR NAPA GARBAGE
7 SERVICE'S PROPOSED EXPANSION OF ITS EXISTING
8 RECYCLING AND COMPOSTING FACILITY.
9 NUMBER THREE, THE PROPOSED PERMIT
10 IS CONSISTENT WITH CEQA AND THE STANDARDS
11 ADOPTED BY THE BOARD.
12 AND NUMBER FOUR, THE FACILITY AS
13 DESCRIBED IN THE RCSI IS EXPECTED TO OPERATE IN
14 COMPLIANCE WITH STATE MINIMUM STANDARDS.
15 IN CONCLUSION, STAFF HAS REVIEWED
16 THE PROPOSED PERMIT AND SUPPORTING
17 DOCUMENTATION AND FOUND THEM ACCEPTABLE. STAFF
18 RECOMMENDS THAT THE BOARD ADOPT RESOLUTION NO.
19 98-375 CONCURRING IN THE ISSUANCE OF SOLID
20 WASTE FACILITY'S PERMIT NO. 28-AA-0023.
21 GREG KELLY REPRESENTING NAPA
22 GARBAGE SERVICE AND GREG PERRY REPRESENTING THE
23 LEA ARE HERE IF YOU HAVE ANY QUESTIONS.
24 CHAIRMAN PENNINGTON: QUESTIONS?
25 MEMBER JONES: NO VIDEO?

1 (LAUGHTER.)

2 CHAIRMAN PENNINGTON: QUESTIONS?

3 MEMBER JONES: I JUST HAVE ONE

4 QUESTION. WE ARE INCREASING THE VOLUME OF

5 VEHICLES FROM 40 PER DAY TO 332 A DAY?

6 THAT'S A BIG INCREASE.

7 MR. PERRY: GREG PERRY WITH LEA.

8 WHEN THE FACILITY WAS FIRST

9 PERMITTED, MOST OF THEIR VEHICLES WERE NOT

10 INCLUDING THE PUBLIC COMING IN. IT WAS ONLY

11 THE VEHICLES FROM NAPA GARBAGE SERVICE AND NAPA

12 VALLEY DISPOSAL, AND THE PERMIT THAT WAS

13 CONCURRED AFTER THAT, I THINK IN 1995, INCLUDED

14 THE PUBLIC VEHICLES, BUT IT WAS REALLY UNKNOWN

15 HOW MANY VEHICLES ARE ACTUALLY GOING TO BE

16 COMING TO THE SITE. IT'S REALLY HARD TO TELL.

17 SO THIS PERMIT WILL ACTUALLY INCLUDE SOME

18 ACTUAL KNOWN INFORMATION.

19 MEMBER JONES: OKAY.

20 CHAIRMAN PENNINGTON: VERY GOOD.

21 MR. CHESBRO.

22 MEMBER CHESBRO: I'M GETTING MY HATS

23 SLIGHTLY MIXED UP HERE NOW, AND THIS HAS

24 NOTHING TO DO WITH THE STATE STANDARDS OR LEGAL

25 REQUIREMENTS, BUT I'M JUST CURIOUS WHAT'S GOING

1 ON IN THE COUNTY RELATIVE TO DIVERSION PROGRAMS
2 THAT ARE BRINGING ABOUT THE EXPANSION PERMIT.
3 WHAT IS THE SOURCE OF THE NEW
4 MATERIAL? SORT OF WHAT IS THE BACKGROUND THAT
5 LED UP TO THE NEED FOR THE EXPANSION?
6 MR. PERRY: MAYBE GREG KELLY WITH NAPA
7 GARBAGE SERVICE MAY BE ABLE TO BE A LITTLE MORE
8 SPECIFIC WITH THAT.

9 MEMBER CHESBRO: I MEAN THIS IS GOOD
10 NEWS. THIS IS NOT A CRITICAL QUESTION. I JUST
11 WOULD LIKE TO HAVE AN IDEA SORT OF WHAT THE
12 CONTEXT IS.

13 MR. KELLY: HELLO, I'M GREG KELLY,
14 NAPA GARBAGE. AGAIN THE EXPANSION HAS BEEN
15 PLANNED FOR YEARS, AND WE HAVE JUST GONE
16 THROUGH PHASES. WE HAVE MORE THAN DOUBLED OUR
17 SIZE NOW, AND IT IS MORE ANTICIPATING NOT
18 INCREASED VOLUME HERE, BECAUSE WE HAVE KEPT THE
19 VOLUME THE SAME, AT 200 TONS A DAY. WE ARE
20 JUST INCREASING THE SITE SO WE CAN MAKE A
21 BETTER PRODUCT, ALSO BE ABLE TO STORE PRODUCT
22 LONGER AND IMPROVE THE USE AND EFFICIENCY OF
23 THE SITE FOR OURSELF AND THE PUBLIC.

24 MEMBER CHESBRO: OKAY. SO IT'S NOT IN
25 RESPONSE TO NECESSARILY AN INCREASE IN VOLUME

1 OF MATERIAL THAT'S BEING DIVERTED; IT'S JUST
2 TRYING TO MANAGE THE PROCESS MORE EFFECTIVELY.
3 IS THAT CORRECT?

4 MR. PERRY: YEAH, THE DAILY TONNAGE
5 OBVIOUSLY HAS REMAINED THE SAME AT 200 TONS A
6 DAY, BUT RIGHT NOW WE'RE OPERATING ON CLOSE TO
7 FIVE ACRES OF USABLE SPACE AND GOING TO CLOSE
8 TO 10 OR 11, AND THIS WILL ALLOW RIGHT NOW THE
9 WINDROWS TO BE IN PLACE A LITTLE LONGER AND TO
10 HAVE A LITTLE BETTER PRODUCT AND THEN GOING TO
11 ANOTHER CURING PILE, LETTING IT STAY THERE FOR
12 A LITTLE BIT LONGER, AND THEN BEING ABLE TO
13 HAVE A LITTLE MORE SPACE TO USE THE FINISHED
14 PRODUCT AND HAVE SPECIFIC ADDITIVES OR INLETS
15 IN PLACE WITH THAT, SO YOU CAN ACTUALLY HAVE
16 MORE ROOM TO WORK, BETTER ROOM FOR THE PUBLIC
17 TO COME IN AND DUMP, A LITTLE FURTHER AWAY FROM
18 ANY KIND OF GRINDING OPERATION.

19 CHAIRMAN PENNINGTON: THANK YOU.

20 OKAY. I'LL ENTERTAIN A MOTION.

21 MEMBER CHESBRO: I WILL MOVE THE ITEM.

22 MEMBER JONES: I WILL SECOND.

23 CHAIRMAN PENNINGTON: OKAY. IT HAS
24 BEEN MOVED BY MR. CHESBRO AND SECONDED BY
25 MR. JONES, THE ADOPTION OF RESOLUTION 98-375.

1 IF THERE IS NO FURTHER DISCUSSION,

2 WILL THE SECRETARY CALL THE ROLL.

3 THE SECRETARY: BOARD MEMBER CHESBRO?

4 MEMBER CHESBRO: AYE.

5 THE SECRETARY: EATON?

6 MEMBER EATON: AYE.

7 THE SECRETARY: JONES?

8 MEMBER JONES: AYE.

9 THE SECRETARY: RHOADS?

10 MEMBER RHOADS: AYE.

11 THE SECRETARY: CHAIRMAN PENNINGTON?

12 CHAIRMAN PENNINGTON: AYE.

13 MOTION CARRIES.

14 WE WILL MOVE TO ITEM 4,

15 CONSIDERATION OF A REVISED SOLID WASTE FACILITY

16 PERMIT FOR THE NORTH AREA RECOVERY STATION IN

17 SACRAMENTO COUNTY.

18 JULIE NAUMAN.

19 AGENDA ITEM NO. 4

20 MS. NAUMAN: MR. CHAIRMAN AND MEMBERS,

21 JON WHITEHALL FROM THE PERMITTING AND

22 INSPECTION BRANCH WILL MAKE THE PRESENTATION,

23 AND I BELIEVE THERE ARE REPRESENTATIVES FROM

24 THE COUNTY HERE.

25 MR. WHITEHALL: GOOD MORNING,

1 MR. CHAIRMAN, MEMBERS OF THE BOARD. THIS
2 FACILITY IS LOCATED ON ROSEVILLE ROAD IN THE
3 NORTH HIGHLANDS AREA OF SACRAMENTO COUNTY ON
4 PROPERTY LEASED BY SACRAMENTO COUNTY FROM THE
5 UNITED STATES AIR FORCE.
6 SURROUNDING LAND IS ZONED LIGHT
7 INDUSTRIAL AND INCLUDES SOUTHERN PACIFIC
8 RAILROAD, RETAIL BUSINESSES, COMMERCIAL
9 OFFICES, INDUSTRIAL STORAGE, AND THE MCCLELLAN
10 AIR FORCE BASE. THE NEAREST RESIDENCES ARE
11 LOCATED A QUARTER MILE TO THE SOUTH.
12 THIS LEASE IS BEING EXPANDED TO INCLUDE
13 PROPERTY EAST OF THE EXISTING FACILITY.
14 THE SITE IS OPEN TO THE GENERAL
15 PUBLIC AND COMMERCIAL COLLECTION. ALL WASTE IS
16 DEPOSITED ONTO A COVERED PAVED TIPPING FLOOR.
17 THE REFUSE IS PUSHED BY FRONT-END LOADER INTO
18 AN AUTOMATED COMPACTOR. REFUSE IS TRANSFERRED
19 INTO LONG-HAUL TRANSFER TRAILERS AND TAKEN TO
20 THE KIEFER ROAD LANDFILL IN SACRAMENTO COUNTY.
21 GREEN WASTE IS TRANSFERRED TO A GREEN WASTE
22 PROCESSING COMPOSTING FACILITY WITHIN 24 HOURS
23 OF RECEIPT.
24 THE FOLLOWING CHANGES IN DESIGN
25 AND OPERATION ARE ADDRESSED IN THIS PERMIT

1 REVISION: INCREASED PERMITTED TONNAGE FROM 800
2 TONS PER DAY TO 1800 TONS PER DAY; MOVE,
3 CONSOLIDATE, AND EXPAND THE GREEN WASTE
4 TRANSFER AREA; INSTALL A NEW RECOVERY FLOOR AND
5 COMPACTOR AND CONSTRUCT AN ENCLOSURE FOR THE
6 TOP-LOADING HOPPER. IT WILL CREATE ADDITIONAL
7 PARKING AND ADD THE CITRUS HEIGHTS WASTE DRAIN.
8 IT WILL CONSTRUCT A NEW SITE
9 ENTRANCE AND MAKE IMPROVEMENTS TO ROSEVILLE
10 ROAD. IT WILL CONSTRUCT A NEW WHITE GOODS
11 PROCESSING FACILITY AND A NEW HOUSEHOLD
12 HAZARDOUS WASTE FACILITY. IT WILL CONSTRUCT A
13 WASTE EXCHANGE FACILITY AND A BACKYARD
14 COMPOSTING DEMONSTRATION SITE. IT WILL ALSO
15 CONSTRUCT A NEW SCALE HOUSE AND INSTALL MORE
16 SCALES.
17 THE LEA AND BOARD STAFF HAVE MADE
18 THE FOLLOWING FINDINGS: THE LEAD AGENCY AND
19 OPERATOR HAVE COMPLIED WITH THE REQUIREMENTS OF
20 THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND
21 THAT THE PROPOSED PERMIT IS CONSISTENT WITH THE
22 ADOPTED NEGATIVE DECLARATION.
23 THE PROPOSED PERMIT IS CONSISTENT
24 WITH THE STANDARDS ADOPTED BY THE BOARD. THE
25 FACILITY IS IDENTIFIED IN THE APPROVED COUNTY

1 INTEGRATED WASTE MANAGEMENT PLAN, AND THE
2 DESIGN AND OPERATION IS IN COMPLIANCE WITH
3 STATE MINIMUM STANDARDS FOR SOLID WASTE
4 HANDLING AND DISPOSAL.
5 IN CONCLUSION, STAFF HAS REVIEWED
6 THE PROPOSED PERMIT AND SUPPORTING
7 DOCUMENTATION AND FOUND THEM TO BE ACCEPTABLE.
8 STAFF RECOMMEND THAT THE BOARD ADOPT RESOLUTION
9 NO. 98-377, CONCURRING IN THE ISSUANCE OF SOLID
10 WASTE FACILITY PERMIT 34-AA-0002.

11 JIM CIRMAK AND JANNAH ZAHIR
12 REPRESENTING THE LEA ARE HERE. IN ADDITION PAT
13 QUINN, SUPERVISING PLANNER FOR THE SACRAMENTO
14 COUNTY WASTE MANAGEMENT AND RECYCLING DIVISION,
15 IS ALSO HERE TO ANSWER ANY QUESTIONS.

16 CHAIRMAN PENNINGTON: QUESTIONS?

17 MEMBER EATON: I NOTICE YOU ARE ALMOST
18 GOING TO DOUBLE THE TIME THAT YOU ARE GOING TO
19 BE PERMITTED TO BE OPEN DURING THE DAY. WILL
20 THAT INCLUDE ALL OF THE ITEMS, SUCH AS THE
21 BATTERY OIL AND PAINT COLLECTION, WHICH IS I
22 THINK AT THIS TIME LIMITED?

23 MR. WHITEHALL: I WAS GOING TO
24 SAY, THE PERMIT ISN'T SPECIFIC ON THE EXACT
25 HOURS THAT EACH LITTLE OPERATION WILL BE OPEN.

1 PERHAPS JIM CIRMAK OR PAT QUINN COULD ANSWER
2 THAT.

3 MR. CIRMAK: JIM CIRMAK WITH THE
4 LEA.

5 THE REASON THERE IS EXTENDED HOURS
6 IS BECAUSE ONE OF THE THINGS THAT'S GOING TO
7 HAPPEN AT THE FACILITY IS LONG HAUL FROM THE
8 TRANSFER STATION TO KIEFER, AND THE OTHER THING
9 IS THE COUNTY IS KEEPING THEIR OPTIONS OPEN FOR
10 LONG HAUL OUT OF COUNTY, BECAUSE THE KIEFER
11 PERMIT WILL BE COMING UP IN THE NOT TOO DISTANT
12 FUTURE, AND THEY HAVE BEEN DIRECTED TO LOOK
13 INTO LONG HAUL.

14 THERE WAS A PROBLEM WITH GETTING
15 THAT MATERIAL OVER TO KIEFER, SO THEY HAVE
16 EXTENDED THE HOURS -- ONE OF THE REASONS FOR
17 THE EXTENSION OF THE HOURS IS TO ALLOW THEM TO
18 TRANSFER MATERIAL TO KIEFER IN OFF HOURS TO
19 AVOID TRAFFIC PROBLEMS AND THINGS OF THAT
20 NATURE.

21 MEMBER EATON: AND SO IT JUST RELATES
22 TO THE TRANSFER; IT DOESN'T RELATE TO ANY OF
23 THE OTHER OPERATIONS OUT THERE?

24 MR. CIRMAK: THAT'S CORRECT.

25 CHAIRMAN PENNINGTON: OKAY.

1 ANY OTHER QUESTIONS?

2 MEMBER EATON: I THINK, MR. CHAIR, YOU
3 SHOULD ALSO BE AWARE THAT IN PHASE II THEY ARE
4 GOING TO TAKE IN CITRUS HEIGHTS' WASTE STREAM,
5 AND THIS IS NOT RELEVANT TO THE PERMIT SO I
6 WON'T EXPAND UPON IT, BUT IT'S SOMETHING TO
7 NOTE AS WE GET INTO THESE TYPES OF SITUATIONS
8 WHERE THE CITY OF CITRUS HEIGHTS HAS ACTUALLY
9 BECOME A CITY, AND SO THEREFORE WHO GETS TO
10 CLAIM THE DIVERSION AND SOME OF THOSE OTHER
11 KINDS OF ITEMS, WHEN THEY COME UP BEFORE THE
12 BOARD, WE HAVE EXPLORED WITH STAFF, AND I THINK
13 THEY ARE AWARE OF IT, AND WE ARE GOING TO BE
14 WORKING ON THOSE KINDS OF QUESTIONS, SO WHEN
15 THE EXTENSIONS AND HOW THEY ARE ALLOCATED COME
16 IN WE CAN AVOID FUTURE PROBLEMS THAT WE'VE HAD
17 IN SOME OF THE OTHER JURISDICTIONS, AND THEY
18 HAVE AGREED TO WORK WITH US ON THAT.

19 MR. WHITEHALL: RIGHT. I BELIEVE IN
20 THIS CASE THERE IS ALREADY AN AGREEMENT BETWEEN
21 THE CITY OF CITRUS HEIGHTS AND THE COUNTY.

22 MR. CIRMAK: YES, THAT'S CORRECT.
23 THERE IS AN AGREEMENT THAT HAS BEEN SIGNED
24 BETWEEN THE COUNTY AND THE CITY OF CITRUS
25 HEIGHTS WHERE THEY HAVE GOT IT SET UP SO THE

1 DIVERSION WON'T BE LOST. IT WILL BE TAKEN CARE
2 OF.

3 CHAIRMAN PENNINGTON: VERY GOOD. I'LL
4 ENTERTAIN A MOTION.

5 MEMBER JONES: MR. CHAIRMAN?

6 CHAIRMAN PENNINGTON: MR. JONES.

7 MEMBER JONES: I MOVE WE ADOPT
8 RESOLUTION 98-377 FOR THE NORTH AREA RECOVERY
9 STATION.

10 MEMBER RHOADS: I'LL SECOND THAT
11 MOTION.

12 CHAIRMAN PENNINGTON: IT'S BEEN MOVED
13 BY MR. JONES, SECONDED BY MR. RHOADS, THE
14 ADOPTION OF RESOLUTION 98-377.

15 WILL THE SECRETARY CALL THE ROLL?

16 THE SECRETARY: BOARD MEMBER CHESBRO?

17 MEMBER CHESBRO: AYE.

18 THE SECRETARY: EATON?

19 MEMBER EATON: AYE.

20 THE SECRETARY: JONES?

21 MEMBER JONES: AYE.

22 THE SECRETARY: RHOADS?

23 MEMBER RHOADS: AYE.

24 THE SECRETARY: CHAIRMAN PENNINGTON?

25 CHAIRMAN PENNINGTON: AYE.

1 MOTION CARRIES.

2 WE WILL MOVE TO ITEM NO. 5,

3 CONSIDERATION OF STAFF RECOMMENDATION ON THE

4 ADEQUACY OF THE HOUSEHOLD HAZARDOUS WASTE

5 ELEMENT FOR THE CITY OF IMPERIAL IN IMPERIAL

6 COUNTY.

7 JUDY FRIEDMAN.

8 AGENDA ITEM NO. 5

9 MS. FRIEDMAN: GOOD MORNING, CHAIRMAN

10 PENNINGTON, BOARD MEMBERS. CHRIS SCHMIDLE WILL

11 BE MAKING THE PRESENTATION FOR STAFF.

12 MR. SCHMIDLE: GOOD MORNING, CHAIRMAN

13 AND BOARD MEMBERS. THIS IS AGENDA ITEM NO. 5,

14 CONSIDERATION OF STAFF RECOMMENDATION ON THE

15 ADEQUACY OF THE HOUSEHOLD HAZARDOUS WASTE

16 ELEMENT FOR THE CITY OF IMPERIAL, IMPERIAL

17 COUNTY.

18 BOARD STAFF HAS ANALYZED THE

19 HOUSEHOLD HAZARDOUS WASTE ELEMENT, AND WE FIND

20 THAT THE CITY WILL PARTICIPATE IN IMPERIAL

21 COUNTY'S COUNTYWIDE HOUSEHOLD HAZARDOUS WASTE

22 COLLECTION PROGRAM, USING USER FEES.

23 THE CITY WILL AUGMENT THE COUNTY'S

24 PROGRAM BY DEVELOPING PUBLIC INFORMATION AND

25 OUTREACH EFFORTS, INCLUDING MEDIA, HOT LINE, A

1 LIST OF COLLECTORS AND RECYCLERS, A SPEAKERS
2 BUREAU, PROMOTION OF HOUSEHOLD HAZARDOUS WASTE,
3 CURRICULUM IN SCHOOLS, AND OTHER EVENTS.
4 THEREFORE, STAFF RECOMMENDS
5 APPROVAL TO THE CITY OF IMPERIAL'S HOUSEHOLD
6 HAZARDOUS WASTE ELEMENT.
7 BOARD STAFF DID ASK US TO MAKE ONE
8 MINOR CHANGE IN THE RESOLUTION 98-360, WHICH IS
9 TO ADD THE DUE DATE FOR THE CITY OF IMPERIAL.
10 THE HOUSEHOLD HAZARDOUS WASTE ELEMENT IS A
11 LITTLE LATE, SO WE MADE THAT CHANGE.

12 COPIES OF THE REVISED RESOLUTION
13 ARE IN THE BACK OF THE ROOM, AND WE WILL MAKE
14 THAT CHANGE ON THE WEBSITE ALSO.

15 CHAIRMAN PENNINGTON: VERY GOOD.
16 DO THE BOARD MEMBERS HAVE THE
17 REVISED COPY?

18 MR. SCHMIDLE: YES.

19 CHAIRMAN PENNINGTON: THANK YOU.
20 OKAY. ANY QUESTIONS OF STAFF?
21 VERY WELL. I WILL ENTERTAIN A
22 MOTION.

23 MEMBER EATON: I WILL MOVE RESOLUTION
24 98-360 REGARDING THE CONSIDERATION OF HOUSEHOLD
25 HAZARDOUS WASTE ELEMENT FOR THE CITY OF

1 IMPERIAL IN IMPERIAL COUNTY.

2 CHAIRMAN PENNINGTON: VERY GOOD.

3 SECOND?

4 MEMBER RHOADS: I WILL SECOND.

5 CHAIRMAN PENNINGTON: MR. RHOADS

6 SECONDS. MEMBER EATON MOVES AND MR. RHOADS

7 SECONDS ADOPTION OF RESOLUTION 98-360.

8 IF THERE IS NO FURTHER DISCUSSION,

9 WILL THE SECRETARY CALL THE ROLL.

10 THE SECRETARY: BOARD MEMBER CHESBRO?

11 MEMBER CHESBRO: AYE.

12 THE SECRETARY: EATON?

13 MEMBER EATON: AYE.

14 THE SECRETARY: JONES?

15 MEMBER JONES: AYE.

16 THE SECRETARY: RHOADS?

17 MEMBER RHOADS: AYE.

18 THE SECRETARY: CHAIRMAN PENNINGTON?

19 CHAIRMAN PENNINGTON: AYE.

20 MOTION CARRIES.

21 WE WILL MOVE TO ITEM NO. 6,

22 CONSIDERATION OF STAFF RECOMMENDATION ON THE

23 ADEQUACY OF THE AMENDED COUNTYWIDE NONDISPOSAL

24 FACILITY ELEMENT OF SAN BERNARDINO COUNTY.

25

1 AGENDA ITEM NO. 6

2 MS. FRIEDMAN: GOOD MORNING AGAIN.
3 KEIR FUREY WILL BE MAKING THE PRESENTATION FOR
4 STAFF, AND THIS IS HIS FIRST TIME MAKING A
5 PRESENTATION BEFORE THE BOARD.

6 CHAIRMAN PENNINGTON: VERY GOOD.
7 WELCOME.

8 MR. FUREY: THANK YOU.
9 GOOD MORNING, CHAIRMAN PENNINGTON,
10 BOARD MEMBERS. I'M KEIR FUREY WITH THE OFFICE
11 OF LOCAL ASSISTANCE CENTRAL SECTION.
12 ITEM NO. 6 IS SAN BERNARDINO
13 COUNTY'S PROPOSAL TO AMEND THEIR COUNTYWIDE
14 NONDISPOSAL FACILITY ELEMENT, OR NDFE, TO
15 INCLUDE FIVE NEW TRANSFER STATIONS TO BE
16 LOCATED AT THE SITE OF FIVE EXISTING LANDFILLS
17 THAT ARE PLANNED FOR CLOSURE.
18 STATUTE REQUIRES JURISDICTIONS
19 SEEKING TO ESTABLISH OR EXPAND NONDISPOSAL
20 FACILITIES AFTER THE COUNTY HAS A COUNTYWIDE
21 INTEGRATED WASTE MANAGEMENT PLAN APPROVED BY
22 THE BOARD TO INCLUDE THE FACILITY DESCRIPTION
23 IN THEIR NDFE; THEREFORE, THE COUNTY IS
24 AMENDING THEIR NDFE TO INCLUDE THE DESCRIPTIONS
25 OF THESE FACILITIES.

1 THESE NEW TRANSFER STATIONS ARE
2 REPLACEMENTS FOR LANDFILLS THAT ARE BEING
3 CLOSED AS PART OF THE STRATEGY TO CONSOLIDATE
4 AND REGIONALIZE SOLID WASTE DISPOSAL CAPACITY
5 IN THE COUNTY. THE BOARD-APPROVED COUNTYWIDE
6 SITING ELEMENT MENTIONS THE REPLACEMENT OF
7 THESE LANDFILLS WITH TRANSFER STATIONS.
8 THE BOARD HAS CONCURRED IN THE
9 PERMITS FOR EACH OF THESE FIVE FACILITIES
10 WITHIN THE PAST YEAR. NONE OF THESE FACILITIES
11 IS DESIGNED TO RECOVER MORE THAN FIVE PERCENT
12 OF THE MATERIALS HANDLED, SO EACH WAS FOUND TO
13 BE EXEMPT FROM THE CONFORMANCE FINDINGS
14 REQUIRED BY PRC SECTION 50001.
15 THE COUNTY HAS MET STATUTORY
16 REQUIREMENTS FOR AMENDING AN NDFE; THEREFORE,
17 STAFF RECOMMENDS THAT THE AMENDED NDFE AS
18 SUBMITTED BE APPROVED.
19 THAT CONCLUDES MY PRESENTATION.
20 DO YOU HAVE ANY QUESTIONS?

21 CHAIRMAN PENNINGTON: THANK YOU. VERY
22 WELL DONE.

23 MEMBER EATON: I JUST HAVE ONE. I'M
24 CURIOUS. WITH REGARD TO PHELAN, IS THERE A
25 REASON WHY THERE NEEDS TO BE TWO TRANSFER

1 STATIONS, JUST OUT OF CURIOSITY?

2 I KNOW ONE IS 250 AND ONE IS 100

3 TONS, BUT IS THERE SOMETHING -- I MEAN IF YOU

4 HAVE EVER BEEN THERE, IT'S NOT REALLY -- IS

5 THERE A REASON WHY THEY ARE NOT CONSOLIDATING

6 FURTHER THERE, OR IS THERE A REASON WHY THEY

7 ARE SEPARATING CERTAIN KINDS OF MATERIAL, JUST

8 OUT OF CURIOSITY?

9 MS. FRIEDMAN: I HAVE NO IDEA.

10 MR. FUREY: I DON'T KNOW THAT.

11 MS. FRIEDMAN: WE DON'T HAVE THE

12 ANSWER TO THAT.

13 CHAIRMAN PENNINGTON: ANY ADDITIONAL

14 QUESTIONS? IF NOT, I WILL ENTERTAIN A MOTION.

15 MEMBER JONES: MR. CHAIRMAN?

16 CHAIRMAN PENNINGTON: MR. JONES.

17 MEMBER JONES: I WILL MAKE A MOTION TO

18 ADOPT RESOLUTION 98-374, THE AMENDED NDFE FOR

19 SAN BERNARDINO COUNTY.

20 MEMBER EATON: I SECOND THAT MOTION.

21 CHAIRMAN PENNINGTON: OKAY. IT'S BEEN

22 MOVED BY MR. JONES, SECONDED BY MEMBER EATON,

23 THE ADOPTION OF RESOLUTION 98-374.

24 IF THERE IS NO FURTHER DISCUSSION,

25 WILL THE SECRETARY CALL THE ROLL.

1 THE SECRETARY: BOARD MEMBER CHESBRO?

2 MEMBER CHESBRO: AYE.

3 THE SECRETARY: EATON?

4 MEMBER EATON: AYE.

5 THE SECRETARY: JONES?

6 MEMBER JONES: AYE.

7 THE SECRETARY: RHOADS?

8 MEMBER RHOADS: AYE.

9 THE SECRETARY: CHAIRMAN PENNINGTON?

10 CHAIRMAN PENNINGTON: AYE.

11 THE MOTION CARRIES.

12 WE WILL MOVE TO ITEM 7. ONCE WE

13 HAVE COMPLETED ITEM 7, WE WILL TAKE A COUPLE OF

14 MINUTES BREAK HERE.

15 ITEM 7 IS CONSIDERATION OF STAFF

16 RECOMMENDATION ON THE ADEQUACY OF THE

17 PREVIOUSLY CONDITIONALLY APPROVED COUNTYWIDE

18 SUMMARY PLAN AND THE COUNTYWIDE INTEGRATED

19 WASTE MANAGEMENT PLAN FOR PLACER COUNTY.

20 JUDY FRIEDMAN.

21 AGENDA ITEM NO. 7

22 MS. FRIEDMAN: GOOD MORNING AGAIN.

23 PAT SCHIAVO WILL BE MAKING THE PRESENTATION FOR

24 STAFF.

25 MR. SCHIAVO: GOOD MORNING, BOARD

1 MEMBERS. IN FEBRUARY OF 1997 THE BOARD
2 CONDITIONALLY APPROVED PLACER COUNTY'S
3 COUNTYWIDE SUMMARY PLAN, AND ALTHOUGH MOST OF
4 THE REQUIRED DOCUMENTS WERE SUBMITTED AT THAT
5 TIME, THERE WERE STILL A COUPLE OF OUTSTANDING
6 JURISDICTIONS THAT HAD NOT SUBMITTED THEIR
7 DOCUMENTS.
8 SINCE THAT TIME THE BOARD HAS
9 APPROVED ALL OF THE OUTSTANDING DOCUMENTS AND
10 ELEMENTS OF THE COUNTYWIDE SUMMARY PLAN, AND
11 THE COUNTYWIDE INTEGRATED WASTE MANAGEMENT PLAN
12 FOR PLACER COUNTY IS NOW COMPLETE AND CAN BE
13 CONSIDERED BY THE BOARD.
14 SO STAFF RECOMMENDS THAT THE BOARD
15 ADOPT STAFF'S RECOMMENDATION TO APPROVE PLACER
16 COUNTY'S SUMMARY PLAN AND APPROVE THE
17 COUNTYWIDE INTEGRATED WASTE MANAGEMENT PLAN.

18 CHAIRMAN PENNINGTON: ANY QUESTIONS?

19 MEMBER EATON: I WOULD BE HAPPY TO
20 MOVE RESOLUTION 98-358 REGARDING THE APPROVAL
21 OF THE COUNTYWIDE INTEGRATED WASTE MANAGEMENT
22 PLAN FOR MY HOME COUNTY, PLACER COUNTY.

23 CHAIRMAN PENNINGTON: WOULD ANY OTHER
24 PLACER COUNTY BOARD MEMBER WANT TO SECOND?

25 MEMBER JONES: I THINK I WILL SECOND.

1 CHAIRMAN PENNINGTON: IT'S BEEN MOVED
2 BY MR. EATON AND SECONDED BY MR. JONES, THE
3 ADOPTION OF RESOLUTION 98-359.

4 IF THERE ARE NO FURTHER QUESTIONS,
5 WILL THE SECRETARY CALL THE ROLL.
6 THERE ARE TWO OF THEM. 359, AND
7 THEN WE WILL DO 358.

8 THE SECRETARY: BOARD MEMBER CHESBRO?

9 MEMBER CHESBRO: AYE.

10 THE SECRETARY: EATON?

11 MEMBER EATON: AYE.

12 THE SECRETARY: JONES?

13 MEMBER JONES: AYE.

14 THE SECRETARY: RHOADS?

15 MEMBER RHOADS: AYE.

16 THE SECRETARY: CHAIRMAN PENNINGTON?

17 CHAIRMAN PENNINGTON: AYE.

18 MOTION CARRIES.

19 I'LL ENTERTAIN ANOTHER MOTION.

20 MEMBER JONES: MR. CHAIRMAN?

21 CHAIRMAN PENNINGTON: MR. JONES.

22 MEMBER JONES: I WILL MAKE A MOTION TO
23 ADOPT RESOLUTION NO. 98-358 FOR THE INTEGRATED
24 WASTE MANAGEMENT PLAN FOR PLACER COUNTY.

25 MEMBER EATON: AND I WILL SECOND THAT

1 MOTION.

2 CHAIRMAN PENNINGTON: IT'S BEEN MOVED
3 BY MR. JONES AND SECONDED BY MEMBER EATON, THE
4 ADOPTION OF RESOLUTION 98-358.
5 IF THERE IS NO FURTHER DISCUSSION,
6 WILL THE SECRETARY CALL THE ROLL?

7 THE SECRETARY: BOARD MEMBER CHESBRO?

8 MEMBER CHESBRO: AYE.

9 THE SECRETARY: EATON?

10 MEMBER EATON: AYE.

11 THE SECRETARY: JONES?

12 MEMBER JONES: AYE.

13 THE SECRETARY: RHOADS?

14 MEMBER RHOADS: AYE.

15 THE SECRETARY: CHAIRMAN PENNINGTON?

16 CHAIRMAN PENNINGTON: AYE.

17 THE MOTION CARRIES.

18 WE WILL TAKE A FIVE-MINUTE OR

19 TEN-MINUTE BREAK HERE.

20 (RECESS.)

21 CHAIRMAN PENNINGTON: OKAY. LET'S GET
22 BACK TO WORK.

23 CONSIDERATION OF STAFF

24 RECOMMENDATION TO CHANGE THE BASE-YEAR TO 1997

25 FOR THE PREVIOUSLY APPROVED SOURCE REDUCTION

1 AND RECYCLING ELEMENT OF UNINCORPORATED TULARE
2 COUNTY.

3 JUDY FRIEDMAN.

4 AGENDA ITEM NO. 8

5 MS. FRIEDMAN: GOOD MORNING AGAIN,
6 BOARD MEMBERS. DIANE SHIMIZU WILL BE MAKING
7 THE PRESENTATION FOR STAFF.

8 MS. SHIMIZU: GOOD MORNING CHAIRMAN
9 PENNINGTON AND BOARD MEMBERS.

10 ITEM NO. 8 IS UNINCORPORATED
11 TULARE COUNTY'S REQUEST TO CHANGE THEIR
12 BASE-YEAR TO 1997 TO MORE ACCURATELY REFLECT
13 THEIR DIVERSION EFFORTS TO DATE.
14 JEFF MONACO WITH TULARE COUNTY IS
15 AVAILABLE TODAY TO ANSWER ANY QUESTIONS YOU MAY
16 HAVE ON THIS ITEM.

17 THIS ITEM WAS PRESENTED TO YOU IN
18 SEPTEMBER OF THIS YEAR. AT THAT TIME THE
19 PRIMARY CONCERNS YOU HAD WERE ABOUT FRUIT CULL
20 DISPOSAL PRIOR TO 1990 AND THE COUNTY'S
21 COMMITMENT TO THE DIVERSION PROGRAMS SELECTED
22 IN THEIR SRRE.

23 AS A RESULT YOU ASKED THE COUNTY
24 TO PRODUCE ACTUAL DISPOSAL RECORDS FOR THE
25 CLAIMED DISPOSAL OF FRUIT CULLS PRIOR TO YOUR

1 TAKING ANY ACTION ON THEIR REQUESTED BASE-YEAR
2 CHANGE.
3 THE COUNTY HAS ACTED ON YOUR
4 REQUEST AND HAS ASKED THAT WE COME FORWARD WITH
5 THIS REVISED ITEM.
6 THE COUNTY SUBMITTED THE FOLLOWING
7 DOCUMENTATION SHOWING FRUIT CULL DISPOSAL PRIOR
8 TO 1990: DOCUMENTATION THAT FRUIT CULLS WERE
9 ALLOWED TO BE DISPOSED IN THE COUNTY'S
10 LANDFILLS IN THE 1970'S AND THE COUNTY'S SOLID
11 WASTE MANAGEMENT PLAN UPDATE SHOWING CULLED
12 FRUIT WAS DISPOSED AS LATE AS 1986.
13 IN RESPONSE TO THE BOARD'S REQUEST
14 AT THE SEPTEMBER BOARD MEETING TO PROVIDE
15 RECORDS OF FRUIT CULL DISPOSAL, THE COUNTY HAS
16 SUBMITTED THE FOLLOWING ADDITIONAL
17 DOCUMENTATION: A LETTER FROM DELTA VECTOR
18 CONTROL TO THE TULARE COUNTY DEPARTMENT OF
19 PUBLIC WORKS DOCUMENTING THE USE OF THE
20 COUNTY'S DISPOSAL SITE FOR FRUIT CULL DISPOSAL,
21 A LETTER FROM THE CALIFORNIA REGIONAL WATER
22 QUALITY CONTROL BOARD TO THE CITY OF LINDSAY,
23 SUGGESTING THE CITY INTEGRATE THE CULLED FRUIT
24 DISPOSALS AT A LINDSAY DISPOSAL SITE WITH THE
25 EXISTING TULARE COUNTY DISPOSAL PLAN, AND

1 TESTIMONIALS FROM TULARE COUNTY REFUSE SITE
2 STAFF AND PACKING SHED STAFF CONFIRMING THE
3 HAULING OF CULLED FRUIT LOADS FROM THE PACKING
4 SHEDS TO THE COUNTY'S LANDFILLS PRIOR TO 1990.
5 TO DEMONSTRATE THEIR COMMITMENT TO
6 IMPLEMENT THE DIVERSION PROGRAMS SELECTED IN
7 THE SRRE, THE COUNTY PROVIDED THE FOLLOWING
8 DOCUMENTATION: A LETTER FROM TULARE COUNTY
9 STATING THAT THEY WILL REQUIRE THEIR HAULERS TO
10 IMPLEMENT THE DIVERSION PROGRAM SELECTED IN THE
11 COUNTY'S SRRE, DESPITE THE RESULTING INCREASE
12 IN THEIR DIVERSION RATE FROM ADDING FRUIT CULL
13 DIVERSION, A LETTER SENT TO THE HAULERS IN THE
14 COUNTY REQUIRING THEM TO CONTINUE DIVERSION
15 ACHIEVEMENT AS A CONDITION OF THEIR LICENSE TO
16 OPERATE IN THE COUNTY, AND A RESOLUTION SIGNED
17 BY THE TULARE COUNTY BOARD OF SUPERVISORS
18 ADOPTING A POLICY TO FULLY IMPLEMENT AND
19 MAINTAIN WASTE DIVERSION PROGRAMS.
20 IN ADDITION TO FRUIT CULL
21 DIVERSION TONNAGE, OTHER DIVERSION FOR THE
22 PROPOSED NEW 1997 BASE-YEAR COMES FROM C&D
23 DIVERSION, THE COUNTY'S WASTE HAULERS, LANDFILL
24 SALVAGE PROGRAMS, COMPOSTING, AND OTHER
25 RECYCLING.

1 ALL DISPOSAL FOR THE 1997
2 BASE-YEAR WAS DOCUMENTED BY THE BOARD'S
3 DISPOSAL RECORDING SYSTEM.
4 BASED ON THE DOCUMENTATION
5 RECEIVED AND ON PRIOR APPROVAL OF SIMILAR
6 REQUESTS TO ESTABLISH MORE ACCURATE BASE-YEARS
7 THAN THOSE ORIGINALLY SUBMITTED TO THE BOARD,
8 STAFF RECOMMEND APPROVAL OF UNINCORPORATED
9 TULARE COUNTY'S NEW BASE-YEAR.
10 THIS CONCLUDES MY PRESENTATION.

11 DO YOU HAVE ANY QUESTIONS?

12 CHAIRMAN PENNINGTON: QUESTIONS OF
13 STAFF?

14 IF NOT, WE WILL HEAR FROM MR. EVAN
15 EDGAR.

16 MR. EDGAR: GOOD MORNING, CHAIRMAN AND
17 BOARD MEMBERS. MY NAME IS EVAN EDGAR OF EDGAR
18 ASSOCIATES ON BEHALF OF THE CALIFORNIA REFUSE
19 REMOVAL COUNCIL.
20 I HAD EXTENDED TESTIMONY IN SANTA
21 BARBARA ON THIS VERY ISSUE, AND I WON'T REPEAT
22 THAT, BUT YOU HAVE A LETTER OF RECORD WHICH I
23 HAVE SUBMITTED YESTERDAY AND AGAIN THIS
24 MORNING.
25 ONE OF THE ISSUES THAT WAS BROUGHT

1 UP IN SANTA BARBARA WAS THE SUBMITTAL OF REAL
2 INFORMATION IN ORDER TO JUSTIFY THE REAL TONS.
3 ONE OF THE THINGS THAT I HAVEN'T SEEN YESTERDAY
4 WHEN I SAT DOWN WITH YOUR STAFF, I DIDN'T SEE
5 THE REAL INFORMATION TO JUSTIFY THIS.
6 ONE THING WE ARE LOOKING AT TODAY
7 IS ABOUT 54,000 TONS OF FRUIT CULLS, AND IT WAS
8 POINTED OUT THAT THIS WOULD TAKE THE BASE-YEAR
9 ADJUSTMENTS FROM A FOUR PERCENT TO ABOUT 40
10 PERCENT, WHICH IS A BIG LEAP.
11 ONE OF MY ISSUES THAT I CONTENDED
12 WAS THAT THIS SHOULD FOLLOW THE RESTRICTED
13 WASTE POLICY, AND I DID INCLUDE A COPY OF THE
14 STATUTE INSIDE OF THE RECORD HERE WHEREBY AG
15 WASTE DOES INCLUDE ALL TYPES OF FORMS OF
16 AGRICULTURAL WASTE, BUT I WAS RECENTLY INFORMED
17 THAT THIS SIC CODE DOESN'T ENCOMPASS FRUIT
18 CULLS OR FRUIT PROCESSING WASTE.
19 BUT IN THE SPIRIT OF THE
20 RESTRICTED WASTE POLICY, THIS AMOUNT OF
21 AGRICULTURAL WASTE WOULD GET DIVERTED SHOULD IT
22 BE AN ACTION BY THE COUNTY OR THE CITY BUT TO
23 THE AMOUNT THAT WAS DIVERTED IN 1990, SO ON A
24 TON-PER-TON BASIS, THAT WOULD BE JUSTIFIED.
25 AND I UNDERSTAND FROM 1990 THE

1 AMOUNT OF AGRICULTURE WASTE OR FRUIT CULL WASTE
2 THAT WAS DISPOSED OF WAS ABOUT 726 TONS. SO IN
3 1997 726 TONS WERE DISPOSED OF.
4 STATEWIDE IN CALIFORNIA, I DID
5 PROVIDE A LOT OF HISTORY ABOUT AGRICULTURE
6 WASTE. IN 1980 ABOUT 15 MILLION TONS OF
7 AGRICULTURE WASTE WAS GENERATED. THAT'S A LOT
8 OF AGRICULTURE WASTE, AND THIS INCLUDED FRUIT
9 CULLS AND A LOT OF DIFFERENT AGRICULTURE WASTE.
10 AND WHAT HAPPENED IN 1984 THE
11 WATER BOARD CREATED CHAPTER 15, A REGULATION,
12 AND WHAT THE WATER BOARD REGULATION DID WAS IT
13 REQUIRED LIQUID WASTE OR CANNERY WASTE AND THIS
14 TYPE OF WASTE TO BE DISPOSED OF IN CLASS 3
15 LANDFILLS ANYMORE.
16 THAT WAS AN ACTION THAT STARTED
17 THE DIVERSION OF THIS TYPE OF WASTE STREAM, AND
18 IF YOU LOOK AT THE AFFIDAVITS PROVIDED BY THE
19 TULARE COUNTY PERSONNEL WHICH I READ YESTERDAY,
20 THE FRUIT CULL DIVERSION STOPPED IN 1984 AND
21 1985 BECAUSE OF THE WATER BOARD POLICY, THE
22 WATER BOARD REGULATION THAT SAYS YOU CAN'T BE
23 TAKING THIS TYPE OF WASTE ANYMORE.
24 UNDERSTAND FROM 1984 TO 1990 SOME
25 OF THIS WAS DE-WATERED, AND THE DE-WATERED

1 FRUIT CULLS THEN WAS DISPOSED OF WITHIN THE
2 COUNTY LANDFILL. NOW, THAT TYPE OF WASTE, IF
3 THAT WAS DIVERTED, THAT WOULD BE VALID TONNAGE.
4 WHAT I SPOKE OF IN SANTA BARBARA
5 IS SHOULD THE COUNTY COME FORTH WITH THAT
6 TONNAGE INFORMATION, THAT WOULD BE VALID AB939
7 DIVERSION.
8 LAST MONTH DURING THE SB1066
9 WORKSHOP, MR. RHOADS ASKED WHAT IS THE ROLE OF
10 THE WASTE BOARD WITH REGARD TO SB1066.
11 YOUR ROLE IS NOT TO MICROMANAGE.
12 I THINK WE ALL AGREED UPON THAT. WHAT I
13 POINTED OUT, YOUR ROLE IS TO PROVIDE INTEGRITY,
14 TO KEEP THE INTEGRITY OF AB939.
15 I BELIEVE THIS IS ONE OF THOSE
16 INTEGRITY ISSUES WHEREBY IF THIS WERE TO BECOME
17 PRECEDENT AND A POLICY-MAKING DECISION, THERE
18 IS UP TO 15 MILLION TONS OF AG WASTE OUT THERE
19 IN 1980 DISPOSAL THAT COULD INVADE, IN 1990
20 BECOME AGRICULTURAL WASTE, BECOME DIVERSION,
21 AND ALL THE AG COUNTIES UP AND DOWN FROM
22 REDDING TO BAKERSFIELD WILL COME IN AND TRY TO
23 GET THIS TYPE OF PHANTOM DIVERSION PROGRAM.
24 AND WE FEEL THAT ALL THE MRFS THAT
25 I REPRESENT UP AND DOWN THE VALLEY, AND AS A

1 WHOLE, AS A STATEWIDE POLICY ISSUE ON AB939
2 INTEGRITY, WE WOULD NOT RECOMMEND THE WASTE
3 BOARD TO ADOPT THE BASE-YEAR ADJUSTMENT.
4 WE WOULD RECOMMEND ITEM NO. 2,
5 THAT THIS BE RESCINDED AND ONLY ACCOUNT FOR UP
6 TO 726 TONS INSTEAD OF THE 54,000 TONS.
7 I'M AVAILABLE FOR ANY QUESTIONS
8 YOU MAY HAVE. AND WHEN IT COMES TO AB939
9 DIVERSION, DON'T GIVE AWAY THE FARM ON THIS
10 ISSUE. THANK YOU.

11 CHAIRMAN PENNINGTON: MR. CHESBRO?

12 MEMBER CHESBRO: MR. EDGAR, HOW ARE
13 YOU?

14 MR. EDGAR: WELCOME BACK.

15 MEMBER CHESBRO: THANKS. I HAVEN'T
16 SEEN YOU FOR A WHILE. I KIND OF MISSED YOUR
17 CONTRIBUTION. I'M SURE I WILL HEAR FROM YOU
18 DOWNTOWN.

19 A COUPLE OF THINGS THAT TROUBLE ME
20 WITH YOUR PERSPECTIVE. ONE IS THAT EVEN WITH
21 COUNTING OF AG WASTE, IT STILL ONLY ACHIEVES 43
22 PERCENT, CORRECT? AND SO THERE STILL WILL BE
23 THE NEED IN ORDER TO ACHIEVE 50 PERCENT OF
24 ADDITIONAL DIVERSION PROGRAMS. AM I WRONG?

25 MR. EDGAR: THAT'S CORRECT. FROM FOUR

1 T043.

2 MEMBER CHESBRO: AND THE OTHER
3 QUESTION IS, WOULD YOU AGREE THAT THEY WILL BE
4 REQUIRED TO IMPLEMENT BY THIS BOARD THEIR
5 DESIGNATED PROGRAMS REGARDLESS OF WHETHER
6 THEY -- YOU KNOW, WHEN THEY DO ACHIEVE 50
7 PERCENT, THERE WILL STILL BE A REQUIREMENT FOR
8 THEM TO PROCEED WITH THE PROGRAMS THEY HAVE
9 IDENTIFIED IN THEIR SRRE'S?

10 MR. EDGAR: WELL, I BELIEVE IT WILL BE
11 A SCALED BACK PROGRAM, BECAUSE THEY ARE TALKING
12 ABOUT 50,000 TONS, SO SAY THAT THEY GET 700
13 TONS CREDIT, SO IF FRUIT CULLS ARE ABOUT 54,000
14 TONS, SO THE AMOUNT OF EFFORT WILL BE SCALED
15 BACK COMPLETELY.

16 MEMBER CHESBRO: BUT MY POINT IS THAT
17 THERE IS A DUAL REQUIREMENT HERE, NOT JUST TO
18 ACHIEVE THE 50 PERCENT BUT ALSO TO IMPLEMENT
19 THE PROGRAMS IN THE SRRE. CORRECT?

20 MR. EDGAR: CORRECT. IT WILL NOT BE A
21 FULL SCALE COMMERCIAL RECYCLING. IT WILL BE
22 VERY REDUCED. THEY WILL HAVE TO GO FROM 43 TO
23 50, WHICH IS 7 PERCENT, AS OPPOSED FROM SAY 20
24 TO 50, WHICH IS 30 PERCENT, SO THE PROGRAM
25 WOULD BE JUST A SHADOW OF WHAT IT COULD BE IN

1 ORDER TO FULFILL THE DESIGN CAPACITIES OF THE
2 MRFS UP AND DOWN THE VALLEY.

3 MEMBER CHESBRO: WELL, I WOULD ARGUE,
4 AND WOULD CONTINUE TO, SHOULD I BE HERE IN THE
5 FUTURE, IF I WERE TO BE HERE IN THE FUTURE,
6 THAT THE SOLUTION TO THE PROBLEM YOU'RE
7 BRINGING UP IS TO TRY TO MAKE SURE THAT THE
8 PROGRAM IMPLEMENTATION REQUIREMENT IS ENFORCED
9 BY THE BOARD AS WELL AS THE PERCENTAGE, AND
10 THAT WE NOT JUST SAY, OH, WELL, YOU HAVE
11 ACHIEVED 50 PERCENT, SO IT DOESN'T MATTER
12 WHETHER OR NOT YOU HAVE IMPLEMENTED THE
13 PROGRAMS THAT YOU IDENTIFIED IN THE SRRE.
14 TO ME THAT SEEMS -- I AGREE
15 SOMEWHAT WITH YOUR CONCERN ABOUT THE IDEA THAT
16 THERE WILL BE LESS PRESSURE, BUT I THINK THE
17 SOLUTION TO THAT IS FOR THE BOARD TO NOT LET UP
18 THE PRESSURE ON THE PROGRAM IMPLEMENTATION
19 SIDE.

20 MY CONCERN WITH GOING DOWN THE
21 ROUTE YOU ARE SUGGESTING IS THAT THERE IS MANY,
22 MANY COUNTIES IN THIS STATE THAT HAVE
23 IMPLEMENTED VARIOUS TYPES OF LARGE QUANTITY
24 INDUSTRIAL TYPES OF RECYCLING, AGRICULTURE,
25 INDUSTRIAL, WHATEVER, FROM FISH WASTE TO ASH TO

1 AG WASTE, AND THAT'S RECYCLING.
2 IT'S NOT AS PUBLICLY EXCITING AS
3 CURBSIDE AND AS VISIBLE, BUT IT IS LEGITIMATE
4 RECYCLING, AND IF A SIGNIFICANT EFFORT WENT ON
5 TO MAKE IT HAPPEN, THEN I THINK IT'S RECYCLING,
6 WHETHER OR NOT IT HAS THAT SAME POLITICALLY
7 ATTRACTIVE ATTRIBUTE.

8 MR. EDGAR: I TOTALLY AGREE. IT IS
9 RECYCLING, BUT IT HAPPENED BACK IN THE '80S AND
10 BEFORE 1984. THE WATERBROOK POLICY IS YOU
11 CAN'T TAKE FISH WASTE, AND YOU CAN'T TAKE ALL
12 THESE LIQUID WASTES TO THE LANDFILLS ANYMORE.
13 SO A LOT OF DIVERSION HAPPENED IN
14 OUR INDUSTRY SINCE THE TURN OF THE CENTURY, AND
15 RECYCLING IS NOTHING NEW TO THE INDUSTRY I
16 REPRESENT. BUT WHAT CAUSED THIS ACTION WAS THE
17 '84 WATER BOARD REGULATION, NOT A LOCAL ACTION,
18 AND THAT'S THE DIFFERENCE.
19 AND IT SHOULD COUNT AS RECYCLING.
20 IT IS DIVERSION. I'M HAPPY FOR THE COMMUNITIES
21 WHO RESPONDED TO THAT WATER BOARD POLICY IN
22 '84. AND BECAUSE I WORKED IN YOLO COUNTY BACK
23 IN THE '80S, AND KERN COUNTY, I COME FROM AG
24 COUNTIES, I KNOW THIS WASTE STREAM QUITE WELL,
25 AND WHEN I TOOK THIS WASTE STREAM, I HAD

1 RECORDS. AND IN YOLO COUNTY WHEN I WAS PUTTING
2 MY LANDFILL GAS WELLS WITHIN THE YOLO COUNTY
3 FIELD, I LOOKED FOR TOMATO WASTE FROM '84 TO
4 '85, TO PUT MY WELLS AROUND THE TOMATO WASTE, I
5 GET MORE METHANE.

6 MEMBER CHESBRO: WELL, YOU WERE MORE
7 PRESCIENT AND HAD BETTER FUTURE VISION THAN
8 MAYBE SOME OTHER COUNTIES HAD IN TERMS OF
9 RECORDKEEPING, BUT THAT DOESN'T NECESSARILY
10 MEAN THAT THE ACTIVITIES DIDN'T TAKE PLACE.

11 MR. EDGAR: OH, THE ACTIVITY DID TAKE
12 PLACE, BUT IT WAS FROM WATER BOARD ACTIVITY,
13 AND THE RECORDS SHOULD HAVE BEEN THERE. SO MY
14 CONTEST AS A STATEWIDE POLICY HERE THAT IT'S
15 BAD PRECEDENT SETTING FOR ALL THE COMMUNITIES
16 UP AND DOWN THE VALLEY THAT SHOULD.
17 LET'S RULE OUT THE 40,000 TON
18 DIVERSION THERE. ALL THE DESIGN CAPACITY MRFS
19 THAT WE BUILD UP AND DOWN THE VALLEY WILL NOT
20 FULFILL THE INTENDED DESIGN CAPACITY BE A
21 SCALED BACK PROGRAM A LOT LESS, AND WE WON'T BE
22 ABLE TO ACHIEVE WHAT WE INTENDED TO ACHIEVE
23 BACK IN 1990 AND EARLY '90S WHEN WE DESIGNED
24 OUR MRFS PRIOR TO THIS PRECEDENT HERE THAT'S
25 BEING SET. THAT'S MY MAIN CONTENTION.

1 THANK YOU FOR THE QUESTIONS AND

2 THE CONSIDERATION TODAY.

3 MEMBER RHOADS: I HAVE A QUESTION.

4 CHAIRMAN PENNINGTON: MR. RHOADS.

5 MEMBER RHOADS: I WOULD LIKE TO

6 EXPLORE A LITTLE BIT THE -- AND I AM A LITTLE

7 BIT CONFUSED ON WHAT THE LAW SAYS ON THE

8 RATIONALE.

9 YOU SAY IT WOULD BE OKAY TO COUNT

10 THE 726 TONS, BECAUSE THAT'S EXACTLY WHAT THEY

11 DIVERTED TO LANDFILLS AT THAT TIME?

12 MR. EDGAR: DISPOSED IN THE BASE-YEAR

13 IN THE SRRE.

14 MEMBER RHOADS: AND THEN BECAUSE

15 THAT'S WHAT WE KNOW ABOUT IN THAT YEAR, AND IT

16 WOULDN'T BE APPROPRIATE TO COUNT THE MUCH

17 HIGHER AMOUNT THAT THEY ARE TRYING TO CLAIM IN

18 1997, I THINK IT IS.

19 I WOULD LIKE TO DISCUSS, IF I

20 COULD, WITH STAFF A LITTLE BIT ABOUT THE

21 LEGALITY OF THAT PARTICULAR -- DO WE HAVE AN

22 OPTION TO COUNT A LIMITED AMOUNT? I MEAN

23 WHAT'S THE --

24 MS. SHIMIZU: IF THIS HAD BEEN AN AG

25 WASTE, WHICH IT IS NOT, ONE OF THE CRITERIA FOR

1 COUNTING AG WASTE IN THE BASE-YEAR AS DIVERSION
2 IS THAT IT WAS HISTORICALLY DISPOSED, AND THERE
3 IS A PHRASE IN THE CRITERION THERE THAT IF IN
4 THE ABSENCE OF SPECIFIC RECORDS AND A
5 REASONABLE ESTIMATE OF WHAT WAS HISTORICALLY
6 DISPOSED, AND HISTORICALLY DISPOSED MEANS PRIOR
7 TO 1990.

8 THIS, HOWEVER, IS NOT A RESTRICTED
9 WASTE, SO FOR IT TO COUNT TOWARD DIVERSION, IT
10 HAD TO HAVE BEEN NORMALLY DISPOSED IN THE
11 BASE-YEAR, BUT THERE IS NO LIMIT TO HOW MUCH
12 DIVERSION CAN COUNT, ONLY THAT IT WAS NORMALLY
13 DISPOSED IN THE BASE-YEAR.

14 MEMBER RHOADS: SO WOULD WE HAVE THE
15 FLEXIBILITY TO SAY YOU COULD ONLY COUNT IN 1997
16 726 TONS?

17 MS. SHIMIZU: I WOULD LIKE OUR LEGAL
18 TO ADDRESS THAT.

19 MR. BLOCK: THE SHORT ANSWER IS BASED
20 ON THE REGULATIONS THAT WE HAVE IN PLACE, NO,
21 WE DON'T HAVE THAT, AND I THINK THAT'S THE
22 REASON THAT MR. EDGAR WAS INDICATING THAT --

23 CHAIRMAN PENNINGTON: ELLIOT, YOU NEED
24 TO IDENTIFY YOURSELF.

25 MR. BLOCK: SORRY. ELLIOT BLOCK FROM

1 THE LEGAL OFFICE. EXCUSE ME.
2 I THINK THAT'S THE REASON THAT
3 MR. EDGAR WAS TALKING ABOUT SHOULD YOU TREAT IT
4 THE SAME WAY AS THE AG WASTE AND THE RESTRICTED
5 WASTE WHICH IS RESTRICTED BY STATUTE, BUT IT'S
6 NOT REQUIRED IN THE FACT THAT THE REGULATIONS
7 THE BOARD HAS HAD ON THE BOOKS FOR ABOUT SEVEN
8 OR EIGHT YEARS AND WHICH HAVE BEEN USED BY
9 OTHER JURISDICTIONS, AS HAD BEEN MENTIONED,
10 SPECIFICALLY INDICATES THAT IT ONLY BE
11 REQUIRED -- THE NORMALLY DISPOSED REQUIREMENT
12 IS ONLY THAT IT CONSTITUTE AT LEAST .001
13 PERCENT OF THE TOTAL WASTE FOR SOLID WASTE
14 DISPOSAL.
15 THE IDEA THAT THERE IS SOME
16 DOCUMENTATION THAT IT WAS A TYPE OF MATERIAL
17 THAT WAS TRADITIONALLY DISPOSED, BUT THAT THERE
18 ISN'T THIS ONE-TO-ONE CORRESPONDENCE, AND IT'S
19 ONLY THE STATUTORILY DEFINED RESTRICTED WASTES
20 THAT HAVE THAT LIMITATION.
21 AND AS HAD BEEN MENTIONED, THE
22 STATUTE ACTUALLY LISTS SPECIFIC SIC CODES IN
23 DEFINING WHAT FALLS WITHIN THAT WASTE DUMP.
24 MEMBER RHOADS: COULD I HEAR FROM
25 MR. EDGAR ON THAT PARTICULAR POINT? WOULD YOU

1 LIKE TO RESPOND?

2 MR. EDGAR: THANK YOU.

3 IN SANTA BARBARA I DID MAKE A
4 RECOMMENDATION THAT AFTER THE WATER BOARD
5 REGULATION WAS PASSED IN 1984 TO GO BACK
6 THROUGH THE RECORDS THE BEST THEY COULD FROM
7 '84 TO 1990, THE DRY FRUIT CULLS THAT THEN
8 DISPOSED OF, TAKE AN AVERAGE OVER THOSE SIX
9 YEARS, AND GET CREDIT FOR THAT.

10 I THINK THAT WOULD BE A PRAGMATIC
11 AND REASONABLE APPROACH TO THAT, TO COUNT THAT
12 TONNAGE, WHICH IS A VALID TONNAGE.
13 I WOULD CONTEND THAT'S WHAT I WAS
14 HOPING TO SEE YESTERDAY WHEN I SAT DOWN WITH
15 STAFF, AND I DIDN'T SEE THAT TYPE OF
16 DOCUMENTATION, BUT ONE THING IT DID SHOW WAS
17 THAT THEY QUIT TAKING A LOT OF THIS WASTE IN
18 '84, WHICH REFLECTS THE WATER BOARD POLICY.

19 MEMBER RHOADS: ALL RIGHT. THANK YOU.

20 MR. EDGAR: THANK YOU.

21 MEMBER RHOADS: I AM WORRIED ABOUT THE
22 LARGE PERCENTAGE INCREASE THAT THIS SHOWS, BUT
23 MY PROBLEM IS IT'S NOT AG WASTE, AND I DON'T
24 SEE HOW WE CAN JUST LIMIT, IF THEY WANT TO USE
25 A NEW BASE-YEAR, WHAT THEY GENERATED IN 1990,

1 SO THAT'S THE PROBLEM THAT I HAVE.

2 CHAIRMAN PENNINGTON: ANY ADDITIONAL
3 QUESTIONS?

4 NEXT WE WILL HEAR FROM RON BEVERS.

5 MR. BEVERS: HI, I'M RON BEVERS FROM

6 VISALIA, CALIFORNIA, THERE IN TULARE COUNTY.

7 AM THE OWNER OF BEVERS RECYCLING THERE, A

8 PARTNER IN TULARE COUNTY RECYCLING, WHICH IS A

9 FULL-SERVICE MRF AND ALSO PRESIDENT OF THE

10 PRIVATE HAULERS ASSOCIATION THERE IN TULARE

11 COUNTY.

12 AND WE HAVE HAD A CONCERN WITH

13 THIS, WHICH WE FEEL HAS BEEN PRETTY MUCH

14 ANSWERED BY THE COMMITMENT OF THE COUNTY THERE

15 TO CONTINUE WITH THEIR RECYCLING EFFORTS

16 REGARDLESS OF THE PERCENTAGE, AND ALSO THE

17 WASTE BOARD ASSURING US THAT, SO TO SPEAK,

18 EVERYBODY'S FEET WOULD BE HELD TO THE FIRE TO

19 MAKE SURE THAT THE PROGRAMS THAT'S IN THE SRRE

20 WOULD HAVE TO BE IMPLEMENTED.

21 I AGREE THAT THE TONNAGE THING IS

22 SOMETHING THAT IS WORRISOME IN ONE WAY, BUT THE

23 WAY THE LAW IS WROTE, IF IT'S ALLOWABLE, WELL,

24 THEN THAT'S THE WAY IT IS, BUT I DO HOPE THAT

25 THE -- AND I KNOW IT WILL BE -- THAT THE BOARD

1 WILL LOOK AT THE PROGRAMS TO MAKE SURE THAT THE
2 RECYCLING EFFORTS ARE CONTINUED IN THE SCOPE
3 THEY SHOULD BE, BECAUSE WE HAVE -- ALL THE
4 PRIVATE SECTOR IN TULARE COUNTY HAVE A LARGE
5 INVESTMENT THAT WE HAVE MADE IN THE RECYCLING
6 PROCESS. THERE IS NO COUNTY OWNED OR CITY
7 OWNED FACILITY. IT'S ALL PRIVATE OWNED THERE,
8 AND SO WE ARE KIND OF AT THE MERCY OF THESE
9 THINGS.

10 I DO KNOW THAT CULL FRUIT WAS
11 BROUGHT INTO THE LANDFILL. I STARTED THERE IN
12 1977, AND AT THAT TIME UP UNTIL SOMEWHERE IN
13 THE '80S -- I'M NOT SURE; I WILL ACCEPT THE
14 DATES PRESENTED HERE TODAY -- BUT THE CULL
15 FRUIT WAS BROUGHT IN ON TOP OF AN OLD LANDFILL
16 COVER AND SPREAD OUT THERE BY THE DUMP TRUCKS,
17 AND THEN THEY TAKE A TRACTOR AND A DISK AND
18 DISK IT IN.

19 I KNOW THAT WAS OCCURRING. AS FAR
20 AS TONNAGE, I HAVE NO KNOWLEDGE OF THAT. AND
21 SO I WOULD HOPE THE THING CAN BE ADDRESSED HERE
22 IN A REASONABLE MANNER.

23 I DON'T KNOW IF WE CAN GO BACK TO
24 DRY TONS AS OPPOSED TO THE WET TONS. I DON'T
25 KNOW JUST HOW THE LAW IS ON THAT, BUT THERE IN

1 TULARE COUNTY WE ARE COMFORTABLE WITH THIS AS
2 LONG AS OUR RECYCLING PROGRAMS ARE ENFORCED.

3 CHAIRMAN PENNINGTON: VERY GOOD. ANY
4 QUESTIONS OF MR. BEVERS?

5 IF NOT, JEFF MONACO.

6 MR. MONACO: MR. CHAIRMAN, MEMBERS OF
7 THE BOARD, MY NAME IS JEFF MONACO, RECYCLING
8 COORDINATOR FOR TULARE COUNTY. I WAS GOING TO
9 TRY TO KEEP THIS RELATIVELY BRIEF AND
10 RELATIVELY SIMPLE. I'M GOING TO TRY TO ANSWER
11 SOME OF THE CONCERNS THAT WERE BROUGHT UP THIS
12 MORNING.

13 BASICALLY THE LAST TIME I CAME TO
14 YOUR BOARD, WE UNDERSTOOD THAT THERE WERE TWO
15 PRIMARY CONCERNS. ONE WAS WHETHER OR NOT OUR
16 COUNTY WAS DEDICATED TO THE RECYCLING PROGRAMS
17 OUTLINED IN THE SRRE, AND OUR BOARD, AS YOU
18 KNOW AND AS STAFF HAS PRESENTED, HAS IN FACT
19 ACTED UPON THAT AND PASSED A RESOLUTION THAT,
20 AS MR. BEVERS INDICATED, REGARDLESS OF
21 DIVERSION, WE WILL IMPLEMENT THE PROGRAMS.
22 BENCH MARKS HAVE BEEN ESTABLISHED
23 THAT WILL HOLD THE HAULERS TO SPECIFIC NUMBERS
24 THAT THEY ARE EXPECTED TO DIVERT FROM WHAT THEY
25 COLLECT.

1 THERE IS ONE POINT THAT I WILL
2 BRING UP. IT WAS MORE OR •LESS IMPLIED THAT THE
3 DIVERSION WAS A RESULT OF THE REGIONAL BOARD
4 ACTIVITIES AND LEGISLATION IN 1984. I WOULD
5 ACTUALLY ARGUE THAT I THINK THE REASON WHY THE
6 MATERIAL STOPPED COMING TO OUR SITES PRIOR TO
7 THAT WAS BECAUSE WE IMPLEMENTED TIPPING FEES.
8 BACK IN THE '70S WE DIDN'T HAVE
9 TIPPING FEES. THE MATERIAL CAME IN AS AN
10 AGREEMENT WITH A VECTOR CONTROL DISTRICT WHERE
11 THEY WERE CHARGED 50 CENTS A TON, BUT IN 1978
12 AND THROUGH THE LATE '70S AND EARLY '80S THE
13 TIPPING FEES GRADUALLY INCREASED, AND I WOULD
14 ARGUE THAT THE MATERIAL STARTED DIMINISHING IN
15 ITS ARRIVAL TO OUR SITE SIMPLY BECAUSE IT
16 STARTED COSTING MONEY AND THE PACKING SHEDS
17 ACTUALLY LOOKED FOR MORE ECONOMICALLY LUCRATIVE
18 WAYS TO DISPOSE OF MATERIAL.
19 BASICALLY OUR BOARD, WE ARE NOT
20 LOOKING TO SET A PRECEDENT. WE THINK IT'S VERY
21 APPROPRIATE THAT YOUR BOARD IS LOOKING AT THESE
22 ON A CASE-BY-CASE BASIS. WE FEEL THAT WE HAVE
23 PROVIDED QUITE A BIT OF DOCUMENTATION. CULL
24 FRUIT WAS LANDFILLED AT OUR SITES. I DON'T
25 THINK THAT'S REALLY IN CONTENTION ANYMORE.

1 THAT'S BASICALLY ALL I HAVE TO
2 SAY, AND I'LL BE HAPPY TO ANSWER ANY QUESTIONS
3 FOR YOU.

4 CHAIRMAN PENNINGTON: ANY QUESTIONS OF
5 MR. MONACO?

6 MEMBER JONES: MR. CHAIRMAN?

7 CHAIRMAN PENNINGTON: YES, MR. JONES.

8 MEMBER JONES: I THINK A LOT OF THE
9 THINGS THAT YOU HAD TO RESPOND TO, OBVIOUSLY
10 YOU'VE RESPONDED TO THEM. MY CONCERN THEN AND
11 MY CONCERN NOW, AND YOU MAY HAVE JUST
12 REINFORCED IT, IS THAT WHEN THE TIPPING FEES
13 STARTED AT THE LANDFILL, THE SHED OPERATORS
14 STARTED TO LOOK FOR OTHER PLACES TO DISPOSE OF
15 THE WASTE.

16 THAT WAS ONE OF MY ISSUES WAS THAT
17 IF IT WAS BEING USED AS DIVERSION THEN OR IF IT
18 WAS BEING USED AS FEEDSTOCK THEN AND IT'S BEING
19 USED AS FEEDSTOCK TODAY, NOTHING HAS REALLY
20 CHANGED. AND THAT'S A FUNDAMENTAL PREMISE OF
21 AB939.

22 I DON'T THINK WE ARE SETTING A
23 PRECEDENT HERE. I WAS NERVOUS FOR A COUPLE OF
24 REASONS. I THINK STAFF KNOW EXACTLY WHAT MY
25 REASONS WERE. THE FIRST TIME I READ THAT

1 REPORT AND SAW THESE UNBELIEVABLE SUCCESSES IN
2 DIVERSION, THAT A LOT OF IT WAS ATTRIBUTED TO
3 C&D WASTE, AND I WANTED TO KNOW WHERE IT WAS
4 GOING, BECAUSE I DIDN'T THINK THERE WAS THAT
5 MUCH C&D IN TULARE COUNTY, AND THEY KIND OF
6 DEALT WITH THAT.

7 WE NEED TO TALK ABOUT SOME BIGGER
8 ISSUES, AND THAT WOULD BE THOSE FACILITIES THAT
9 STOCKPILE C&D WASTE FOR FIVE OR SIX YEARS AND
10 THEN PROCESS IT. IS IT THE YEAR THAT THEY
11 PROCESS IT THEY GET THE CREDIT FOR THE
12 RECYCLING? ANYBODY THAT KNOWS HOW TO TIME
13 SOMETHING IS GOING TO DO IT IN 1995 AND THE
14 YEAR 2000.

15 BUT HEARING THAT SUPERVISORS ARE
16 GOING TO CONTINUE TO DO PROGRAMS RELIEVES ME OF
17 ONE OF MY CONCERNS, BECAUSE I WAS PRETTY HONEST
18 AND UP-FRONT AT THE SANTA BARBARA MEETING. YOU
19 KNOW, TO COME UP WITH A NUMBER OF 43 PERCENT
20 WHEN IT WASN'T AS SEXY AS OTHER PROGRAMS MAY
21 HAVE BEEN LOOKED ON SCARED ME FROM THE
22 STANDPOINT THAT WE ABANDONED AN INFRASTRUCTURE
23 THAT WAS BUILT, AND THAT CANNOT HAPPEN.
24 SO I THINK THE ASSURANCES OF YOUR
25 COUNTY AND THE FACT THAT YOU ARE LOOKING FOR US

1 TO HOLD YOUR FEET TO THE FIRE GIVES ME ENOUGH
2 COMFORT IN THIS ISSUE THAT I THINK I CAN
3 SUPPORT IT TODAY.
4 BUT I AM INTERESTED FROM STAFF.
5 WE LOOK AT THESE -- YOU KNOW, WE GET ANNUAL
6 REPORTS OR BIENNIAL REPORTS EVERY TWO YEARS,
7 AND WE CAN GET A PRETTY GOOD IDEA OF HOW THESE
8 THINGS ARE CONTINUING, AND I THINK WE NEED TO
9 KEEP LOOKING AT THOSE THINGS TO MAKE SURE THAT
10 THE DIVERSION GROWTH ISN'T JUST BECAUSE
11 EVERYBODY DECIDED TO DRINK MORE ORANGE JUICE.

12 MS. FRIEDMAN: CHAIRMAN PENNINGTON?
13 ACTUALLY WE HAVE THE BIENNIAL
14 REVIEW THAT'S CONDUCTED EVERY TWO YEARS, BUT WE
15 LOOK AT THEIR ANNUAL REPORTS EVERY YEAR, SO WE
16 WILL BE LOOKING AND TRACKING AND MONITORING
17 THEIR PROGRESS.

18 MEMBER RHOADS: THEN I THINK ALSO
19 AREN'T WE -- BECAUSE I THINK I'M GOING TO
20 THIS -- GOING TO TULARE COUNTY IN THE VERY NEAR
21 FUTURE? I MEAN IT'S IMPORTANT TO IMPLEMENT
22 YOUR EXISTING PROGRAMS, BUT WE ARE ALSO
23 INTERESTED IN ADDITIONAL PROGRAMS THAT MIGHT
24 HELP YOU MEET THOSE ADDITIONAL GOALS.
25 AND WHEN IS THAT MEETING

1 SCHEDULED? I THINK IT'S IN EARLY DECEMBER.

2 MR. MONACO: IT'S DECEMBER. DECEMBER

3 2ND AND 3RD.

4 MEMBER RHOADS: YEAH, AND I WILL BE
5 GOING TO THAT MEETING. AND I JUST WANT TO
6 STRESS, I THINK YOU WILL HEAR IT FROM ALL THE
7 BOARD MEMBERS, WE WANT TO SEE YOUR PROGRAMS
8 CONTINUED, BUT I THINK ALSO IF THERE IS OTHER
9 THINGS YOU CAN DO, WE WOULD BE ALSO VERY
10 INTERESTED IN NEW PROGRAMS TO HELP YOU REACH
11 THE GOAL.

12 MR. MONACO: MR. RHOADS, I WILL ADD
13 FOR THOSE THAT MAY NOT BE AWARE, TULARE COUNTY,
14 THE UNINCORPORATED PORTION OF TULARE COUNTY IS
15 ONE OF THE JURISDICTIONS THAT HAS BEEN TARGETED
16 FOR ASSISTANCE, AND WE ARE WORKING VERY CLOSELY
17 WITH WASTE BOARD STAFF ON HOW WE CAN GET THE
18 REST OF THE WAY, AND WE HAVE BEEN VERY
19 APPRECIATIVE OF THE ASSISTANCE.

20 CHAIRMAN PENNINGTON: MEMBER EATON,
21 DID I FAIL TO LET YOU MAKE AN EX PARTE THAT YOU
22 NEEDED TO, THAT YOU WANTED TO?

23 MEMBER EATON: YES, I RECEIVED
24 CORRESPONDENCE FROM CALIFORNIA REFUSE REMOVAL
25 COUNCIL REGARDING THIS AGENDA ITEM. IT WAS

1 ADDRESSED TO YOU, BUT I THINK I SHOULD PROBABLY
2 NOTE IT FOR THE RECORD AND ENTER IT AS AN EX
3 PARTE COMMUNICATION DATED NOVEMBER 17TH, A
4 LETTER TO YOU FROM EVAN EDGAR REGARDING THIS
5 ITEM.

6 CHAIRMAN PENNINGTON: WE HAVE ALREADY
7 EX PARTE'D THAT.

8 OKAY. IF THERE IS NO FURTHER --
9 MR. CHESBRO.

10 MEMBER CHESBRO: I WAS GOING TO MAKE A
11 MOTION.

12 CHAIRMAN PENNINGTON: GO FOR IT.

13 MEMBER CHESBRO: I WOULD MOVE ADOPTION
14 OF THE RESOLUTION, BUT IN ADDITION TO THAT ALSO
15 DIRECT STAFF TO AMEND THE RESOLUTION TO
16 REAFFIRM THE BOARD POLICY REGARDING USING SRRE
17 PROGRAM IMPLEMENTATION AS A DETERMINATION OF
18 COMPLIANCE ALONG WITH THE ACTUAL DIVERSION
19 PERCENTAGE AND DIRECT STAFF TO FULLY IMPLEMENT
20 THE SAME POLICY.

21 MEMBER JONES: I WILL SECOND THAT.

22 CHAIRMAN PENNINGTON: OKAY. IT HAS
23 BEEN MOVED BY MR. CHESBRO, THE ADOPTION OF
24 RESOLUTION 98-189 WITH SOME AMENDMENTS TO IT,
25 SECONDED BY MR. JONES.

1 IF THERE IS NO FURTHER DISCUSSION,

2 WILL THE SECRETARY CALL THE ROLL.

3 THE SECRETARY: BOARD MEMBER CHESBRO?

4 MEMBER CHESBRO: AYE.

5 THE SECRETARY: EATON?

6 MEMBER EATON: AYE.

7 THE SECRETARY: JONES?

8 MEMBER JONES: AYE.

9 THE SECRETARY: RHOADS?

10 MEMBER RHOADS: AYE.

11 THE SECRETARY: PENNINGTON?

12 CHAIRMAN PENNINGTON: AYE.

13 MOTION CARRIES.

14 MOVE TO ITEM NO. 9, CONSIDERATION

15 OF STAFF RECOMMENDATION TO CORRECT THE

16 BASE-YEAR GENERATION AMOUNT FOR THE PREVIOUSLY

17 APPROVED SOURCE REDUCTION AND RECYCLING ELEMENT

18 FOR THE CITY OF MAYWOOD IN LOS ANGELES COUNTY.

19 JUDY FRIEDMAN.

20 AGENDA ITEM NO. 9

21 MS. FRIEDMAN: YES. CHRIS SCHMIDLE

22 WILL BE MAKING THE PRESENTATION FOR STAFF.

23 MR. SCHMIDLE: HELLO AGAIN,

24 MR. CHAIRMAN, BOARD MEMBERS.

25 THIS IS AGENDA ITEM NO. 9,

1 CONSIDERATION OF STAFF RECOMMENDATION TO
2 CORRECT THE BASE-YEAR GENERATION AMOUNT FOR THE
3 PREVIOUSLY APPROVED SOURCE REDUCTION AND
4 RECYCLING ELEMENT FOR THE CITY OF MAYWOOD IN
5 LOS ANGELES COUNTY.
6 THE JURISDICTION HAS REQUESTED A
7 CORRECTION TO ITS BASE-YEAR GENERATION AMOUNT.
8 THE CORRECTION IS NEEDED TO INCLUDE SELF-HAUL
9 DISPOSAL MISSED IN THE BASE-YEAR GENERATION
10 STUDY.
11 THE METHOD USED TO ESTIMATE THE
12 BASE-YEAR SELF-HAUL DISPOSAL AMOUNT WAS
13 APPROVED IN THE 1997 BOARD MEETING IN MARCH.
14 IN THIS METHOD THE 1996 DISPOSAL DATA WAS USED
15 TO CALCULATE A PERCENTAGE OF THE TOTAL WASTE
16 STREAM REPRESENTED BY THE LICENSED HAULERS.
17 THE BASE-YEAR DISPOSAL AMOUNT WAS
18 CORRECTED BY APPLYING THE 1996 PROPORTIONS BACK
19 TO THE EXISTING 1990 LICENSED HAULER DISPOSAL
20 DATA.
21 BOARD STAFF HAS DETERMINED THAT
22 THE JURISDICTION'S REQUEST HAS BEEN ADEQUATELY
23 DOCUMENTED; THEREFORE, STAFF RECOMMENDS THAT
24 THE REQUEST FOR CORRECTION BE APPROVED.
25 AND DO YOU HAVE ANY QUESTIONS?

1 CHAIRMAN PENNINGTON: QUESTIONS?

2 MEMBER JONES: JUST ONE, MR. CHAIRMAN.

3 CHAIRMAN PENNINGTON: MR. JONES.

4 MEMBER JONES: AND I HAVE ASKED STAFF,
5 BUT JUST FOR THE SAKE OF THE RECORD.

6 I KNOW WE HAVE SIX METHODOLOGIES
7 WE CAN USE TO CORRECT BASE-YEARS.

8 MR. SCHMIDLE: YES.

9 MEMBER JONES: WHETHER IT'S '90 OR
10 '97, IT DOESN'T MATTER. THERE ARE SIX.

11 IN ANY OF THOSE FROM SOUTHERN
12 CALIFORNIA OR L.A. COUNTY, NO MATTER HOW YOU
13 MAKE THAT DETERMINATION -- I DON'T CARE WHICH
14 ONE IT IS -- YOU ARE GOING TO SUBTRACT THAT
15 TONNAGE FROM THE 3.8 MILLION --

16 MR. SCHMIDLE: YES, SIR.

17 MEMBER JONES: -- POOL OF NUMBERS.
18 I ONLY BRING IT UP AND PUT IT ON
19 THE RECORD BECAUSE I KNOW WE HAVE DIFFERENT --
20 AND SO WE DID 170,000 FOR L.A. COUNTY LAST WEEK
21 OR TWO WEEKS AGO, AND HERE IS ANOTHER 2300 TO
22 COME OFF THAT 3.8.

23 MR. SCHMIDLE: YES, SIR.

24 MEMBER JONES: I DON'T HAVE A PROBLEM
25 WITH THAT, AND IF THERE AREN'T ANY OTHERS,

1 MR. CHAIRMAN, I WILL MOVE THE MOTION.

2 CHAIRMAN PENNINGTON: OKAY.

3 MEMBER JONES: 98-370.

4 MEMBER EATON: AND I'LL SECOND THAT
5 MOTION.

6 CHAIRMAN PENNINGTON: OKAY. MR. JONES
7 MOVES ADOPTION OF RESOLUTION 98-370, MR. EATON
8 SECONDS.

9 IF THERE IS NO FURTHER DISCUSSION,
10 WILL THE SECRETARY CALL THE ROLL?

11 THE SECRETARY: BOARD MEMBER CHESBRO?

12 MEMBER CHESBRO: AYE.

13 THE SECRETARY: EATON?

14 MEMBER EATON: AYE.

15 THE SECRETARY: JONES?

16 MEMBER JONES: AYE.

17 THE SECRETARY: RHOADS?

18 MEMBER RHOADS: AYE.

19 THE SECRETARY: CHAIRMAN PENNINGTON?

20 CHAIRMAN PENNINGTON: AYE.

21 MOTION CARRIES.

22 WE WILL MOVE TO ITEM NO. 10,

23 CONSIDERATION OF STAFF RECOMMENDATION TO

24 CORRECT THE BASE-YEAR GENERATION AMOUNT FOR THE

25 PREVIOUSLY APPROVED SOURCE REDUCTION AND

1 RECYCLING ELEMENT FOR THE CITY OF REDONDO BEACH
2 IN LOS ANGELES COUNTY.

3 AGENDA ITEM NO. 10

4 MS. FRIEDMAN: YES, AND WE WILL HEAR
5 FROM CHRIS SCHMIDLE ON THIS ITEM AS WELL.

6 MR. SCHMIDLE: MR. CHAIRMAN, AGENDA
7 ITEM 10 IS VERY SIMILAR TO PREVIOUSLY HEARD
8 AGENDA ITEM NO. 9.

9 THE JURISDICTION HAS REQUESTED A
10 CORRECTION TO ITS BASE-YEAR GENERATION AMOUNT,
11 AND THE CORRECTION IS NEEDED TO INCLUDE
12 SELF-HAUL AND OTHER NON FRANCHISE DISPOSAL
13 MISSED IN THE BASE-YEAR GENERATION STUDY.
14 THE CITY USED A METHOD THE BOARD
15 APPROVED IN THE MARCH 1997 BOARD MEETING.
16 BOARD STAFF HAS DETERMINED THAT THE REQUEST HAS
17 BEEN ADEQUATELY DOCUMENTED, AND THEREFORE STAFF
18 RECOMMENDS THAT THE REQUEST FOR CORRECTION BE
19 APPROVED.

20 CHAIRMAN PENNINGTON: ANY QUESTIONS OF
21 STAFF ON THIS ONE?

22 MEMBER JONES: MR. CHAIRMAN?

23 CHAIRMAN PENNINGTON: MR. JONES.

24 MEMBER JONES: JUST SOME QUICK MATH
25 USING AN OLD AVERAGE. I THINK THEIR POPULATION

1 IS 68,000 PEOPLE.

2 I GET A LITTLE NERVOUS WHEN I SEE

3 THE NUMBERS JUMP LIKE THAT, BUT I DID THE MATH,

4 AND MY MATH WOULD COME OUT TO ABOUT 68,000

5 PEOPLE, USING THE AVERAGE BACK AT THAT TIME,

6 WHERE THEIR EXISTING NUMBER WOULD HAVE SHOWN A

7 POPULATION OF ABOUT 50,000.

8 SO I THINK THIS DEFINITELY, YOU

9 KNOW, GETS THEM CLEAN AND IS RIGHT IN LINE WITH

10 THE AVERAGE, SO I WILL MAKE A MOTION THAT WE

11 ADOPT RESOLUTION 98-361.

12 MEMBER RHOADS: I'LL SECOND.

13 CHAIRMAN PENNINGTON: IT HAS BEEN

14 MOVED BY MR. JONES AND SECONDED BY MR. RHOADS,

15 THE ADOPTION OF RESOLUTION 98-361.

16 IF THERE IS NO FURTHER DISCUSSION,

17 WILL THE SECRETARY CALL THE ROLL.

18 THE SECRETARY: BOARD MEMBER CHESBRO?

19 MEMBER CHESBRO: AYE.

20 THE SECRETARY: EATON?

21 MEMBER EATON: AYE.

22 THE SECRETARY: JONES?

23 MEMBER JONES: AYE.

24 THE SECRETARY: RHOADS?

25 MEMBER RHOADS: AYE.

1 THE SECRETARY: CHAIRMAN PENNINGTON?

2 CHAIRMAN PENNINGTON: AYE.

3 WE WILL MOVE TO ITEM NO. 12,

4 UPDATE ON GREENING TEAM PLAN FOR THE FOCUSSED

5 REDUCTION OF COMPOSTABLE ORGANIC MATERIALS.

6 AGENDA ITEM NO. 12

7 MR. LEVENSON: GOOD MORNING,

8 MR. CHAIRMAN, BOARD MEMBERS. I'M HOWARD

9 LEVENSON WITH THE WASTE PREVENTION AND MARKET

10 DEVELOPMENT DIVISION.

11 I'M GOING TO INTRODUCE PAT JONES

12 FROM OUR STAFF, WHO WILL BE GIVING THE

13 PRESENTATION. I JUST HAVE TO GET THE COMPUTER

14 GOING.

15 MS. JONES: GOOD MORNING. I'M PAT

16 JONES WITH THE ORGANIC MATERIALS MANAGEMENT

17 SECTION AND A MEMBER OF THE GREENING TEAM,

18 WHICH IS A SHORT WAY OF SAYING FOCUSSED

19 REDUCTION OF COMPOSTABLE ORGANIC MATERIALS

20 PERFORMANCE PLAN.

21 I THINK YOU ARE ALL FAMILIAR THAT

22 THERE ARE FOUR STRATEGIC PLANS, AND GREENING

23 TEAM IS ONE OF THOSE.

24 I WANT TO CONGRATULATE

25 MR. CHESBRO, AND HE MAY NOT BE AS AWARE,

1 ALTHOUGH I THINK HE IS PROBABLY UP TO SPEED ON
2 MOST OF THE KINDS OF THINGS WE ARE DOING.
3 I'M GOING TO BRIEFLY REVIEW THE
4 TARGETS, THEN MENTION COMMUNICATION, AND THEN
5 GO THROUGH THE SPECIFIC UPDATES, THE
6 ACCOMPLISHMENTS WE HAVE DONE IN THE PAST FEW
7 MONTHS AND WHAT WE EXPECT TO DO IN THE NEXT
8 COUPLE OF MONTHS.
9 THE FIRST TARGET IS TO INCREASE
10 THE ON-SITE MANAGEMENT. THAT'S GRASSCYCLING
11 AND LANDSCAPE. TARGET TWO IS TO DECREASE THE
12 WASTE OF COMMERCIAL AND INSTITUTIONAL FOOD
13 SCRAPS. TARGET THREE IS TO IMPROVE FEEDSTOCK
14 QUALITY. TARGET FOUR, TO DEVELOP A BALANCED
15 REGULATORY FRAMEWORK, AND THIS IS THE
16 COMPOSTING FACILITY REGULATIONS. WE ARE GOING
17 TO TWEAK THEM.
18 TARGET FIVE IS TO INCREASE
19 PROCUREMENT AND USE IN LANDSCAPING, AND TARGET
20 SIX IS TO INCREASE USE IN AGRICULTURE, SO THE
21 LAST TWO ARE OUR MARKET DEVELOPMENT TARGETS.
22 NOW, I WANTED TO MENTION ABOUT
23 COMMUNICATIONS. WE NOW HAVE A NEW WEBSITE.
24 ORGANICS OUTLOOK IS LIVE ON THE WEB. IT HAS
25 PULLED TOGETHER LINKS TO ALL OF THE ORGANIC

1 INFORMATION WE HAVE ON THE WEB, REGULATIONS,
2 THE COMPOST MULCH SOURCE LIST, MARKET
3 INFORMATION, AND NOW IT'S EASY TO FIND ON THIS
4 ORGANICS OUTLOOK SITE WHICH WAS OPERATIONAL IN
5 OCTOBER.

6 ALL OF THE STRATEGIC PLANS WILL
7 HAVE STORYBOARDS, AND OURS IS GOING TO BE ON A
8 KIOSK WITH AN INTERACTIVE COMPUTER, AND THAT IS
9 IN THE WORKS. IT SHOULD SOON BE IN THE FOYER.

10 AND THE THIRD THING I WANTED TO
11 MENTION WAS THAT THE BIOCYCLE CONFERENCE IN
12 SAN FRANCISCO NEXT MARCH, WE ARE COSPONSORING
13 THAT AND WORKING ACTIVELY WITH BIOCYCLE TOO.

14 THEY FEATURE ORGANICS, AND WE WANT TO MAKE SURE
15 THE GREENING TEAM AND THE WASTE BOARD IS ALSO
16 CLEARLY MENTIONED THERE.

17 NOW, THE FIRST TARGET, TARGET ONE,
18 TO INCREASE THE ON-SITE MANAGEMENT OF
19 COMMERCIAL AND RESIDENTIAL TRIMMINGS AND
20 RESIDENTIAL FOOD SCRAPS HAS FOCUSED ON
21 GRASSCYCLING AS TARGET 1.1.

22 WE HAVE RECEIVED FUNDING FOR
23 REGIONAL CAMPAIGNS AND ARE SELECTING THE
24 REGIONS. IN JANUARY THE STATEMENT OF WORKS
25 WILL COME TO THE BOARD, AND WORK WILL BEGIN IN

1 FEBRUARY.

2 THERE IS A VIDEO ON GRASSCYCLING.

3 THE FILMING HAS BEEN COMPLETED IN OCTOBER.

4 CURRENTLY STAFF HAS BEEN MEETING WITH LOS

5 ANGELES, WITH INLAND EMPIRE, AND WITH ABAC

6 TO SELECT THE REGIONS AND GET ALL OF THAT

7 UNDERWAY FOR THE REGIONAL GRASSCYCLING

8 CAMPAIGNS.

9 NOW, TARGET 1.2 IS THE ON-SITE

10 MANAGEMENT, WORKING WITH LANDSCAPERS, AND

11 SIMILAR TO TARGET ONE, BUT THE REGIONS ARE

12 ORANGE COUNTY INSTEAD OF L.A. BUT ALSO THE

13 INLAND EMPIRE AND ABACK AS THE REGIONS THAT WE

14 WILL BE FOCUSING WITH.

15 AND ALSO WE ARE ASSESSING THE

16 FEASIBILITY OF HOME COMPOSTING PROMOTIONS AT

17 RETAIL OUTLETS, SO THAT'S ANOTHER PART OF THAT

18 TARGET.

19 PART OF THE PROCESS IS TO CHECK

20 AND ADJUST, AND WE HAVE ADJUSTED, AND TARGET

21 TWO HAS BEEN DELETED. FOOD PARTNERSHIPS, BEST

22 MANAGEMENT PRACTICES, WE DIDN'T RECEIVE THE

23 FUNDING, WE DON'T HAVE THE RESOURCES, SO THIS

24 IS A MUCH LOWER PRIORITY, ALMOST DROPPING OFF

25 THE TABLE, BUT WE HAVE ELIMINATED IT AS A

1 TARGET
2 BUT ALSO NOW LEFT IN TARGET TWO,
3 WE HAVE 2.2, WHICH IS COMMERCIAL AND
4 INSTITUTIONAL PROGRAMS. DIVISION OF PLANNING
5 AND LOCAL ASSISTANCE IS DEVELOPING AN ACTION
6 PLAN THAT WILL ASSIST WITH THIS.
7 AND THEN FOR TARGET THREE IS TO
8 IMPROVE FEEDSTOCK QUALITY AND INCREASE THE
9 MARKETABILITY OF PRODUCTS. FEEDSTOCK IS REALLY
10 CRITICAL TO MAKING A GOOD PRODUCT.
11 AND 3.1 IS LOOKING AT SEPARATE
12 COLLECTION PROGRAMS. THE DEPARTMENT OF
13 PLANNING AND LOCAL ASSISTANCE IS DEVELOPING AN
14 ACTION PLAN HERE, AND THERE SHOULD BE A
15 STATEMENT OF WORK COMING TO THE BOARD SOMETIME
16 NEXT YEAR.
17 ALSO TARGET 3.2, FEEDSTOCK
18 ACCEPTABILITY INDEX. THERE IS A SURVEY THAT
19 JUST WENT OUT THIS MONTH TO CALIFORNIA ORGANICS
20 RECYCLING COUNCIL, OR CORC, AND ASSOCIATION OF
21 COMPOST PRODUCERS, SENT OUT BY THEM FOR US, AND
22 WE SENT IT AS BROAD BASE AS WE COULD TO ALL THE
23 PROCESSORS OF ORGANIC MATERIALS.
24 AND QUITE A NUMBER OF QUESTIONS
25 WERE ASKED. WE'RE HOPING FOR GOOD RESULTS.

1 BUT TARGET THREE, THIS FEEDSTOCK ACCEPTABILITY
2 INDEX IS PART OF THAT SURVEY, SO WE SHOULD KNOW
3 WHAT THE PRODUCERS ARE LOOKING FOR IN FEEDSTOCK
4 AND FIND WAYS THAT WE CAN IMPROVE THAT.
5 TARGET FOUR IS THE REGULATIONS.
6 THERE IS AN INTERDIVISIONAL TEAM WORKING ON THE
7 COMPOSTING REGULATIONS, AND WE DID DEVELOP AN
8 ISSUES PAPER. THE DRAFT INFORMAL REGS WERE
9 JUST THIS WEEK DISTRIBUTED AMONG THE TEAM, AND
10 WE HOPE FOR IN-HOUSE REVIEW OF THE DRAFT
11 REGULATIONS IN DECEMBER AND INFORMAL WORKSHOPS
12 LATE JANUARY, AND THEN IT GOES THROUGH THE
13 NORMAL REGULATORY PROCESS.
14 THE ISSUE PAPER WAS FIRST
15 DISCUSSED AT AN LEA CONFERENCE IN AUGUST, AND
16 IT ALSO NOW IS LIVE ON THE INTERNET, AND THERE
17 IS A SITE COM REGS TALK WITH CHAT, AND PEOPLE
18 CAN EITHER READ ON LINE OR DOWNLOAD THE ISSUE
19 PAPER, THEN THEY CAN MAKE COMMENTS, AND ALL
20 PEOPLE VIEWING THAT SITE CAN SEE THE COMMENTS
21 THAT OTHER PEOPLE HAVE MADE ABOUT THE
22 REGULATIONS, THE ACTION ISSUES RELATIVE TO
23 REGULATING COMPOSTING AND ORGANIC MATERIALS.
24 ALSO IN TARGET FOUR WE ARE LOOKING
25 AT COMPLIANCE AND HAVE REQUESTED MONTHLY

1 REPORTS OF COMPOST AND MULCH FACILITIES THAT
2 ARE IN NONCOMPLIANCE, WORKING WITH PERMITTING
3 AND ENFORCEMENT DIVISION TO SEE IF WE HAVE AN
4 UNDERSTANDING WHAT COMPLIANCE IS AND HOW WE CAN
5 DEAL WITH THAT.

6 TARGET FOUR ALSO HAS A BUSINESS
7 OPPORTUNITY INDEX. THAT'S PART OF WHAT WE WANT
8 TO DO IS DEVELOP THE REGULATORY FRAMEWORK THAT
9 PROTECTS PUBLIC HEALTH AND SAFETY BUT ALSO
10 INCREASES BUSINESS OPPORTUNITIES, SO THAT
11 SURVEY WILL GIVE US SOME INSIGHT INTO HOW THE
12 REGULATIONS CAN RELATE TO THAT.

13 MOVING ON TO TARGET FIVE, FIVE AND
14 SIX ARE BOTH MARKET DEVELOPMENT, FIVE FOR
15 LANDSCAPE USE, AND IN THAT SURVEY WE HOPE TO
16 GET A HANDLE ON THE AMOUNT OF PRODUCT THAT IS
17 BEING SOLD, BY ASKING THE MANUFACTURERS, THE
18 PRODUCERS, AND THAT SURVEY WENT OUT THIS MONTH.

19 AND THEN ALSO IN TARGET FIVE,
20 ACTUALLY THIS IS 5.4 -- NO, 5.3. CCQC, THE
21 CALIFORNIA COMPOST QUALITY COUNCIL HAS BECOME A
22 TARGET FOR OUR GREENING TEAM, AND WE HAVE A
23 VERY AMBITIOUS GOAL OF HAVING 30 REGISTERED
24 COMPOST PRODUCERS BY THE END OF OUR TIME AS
25 GREENING TEAM, THE END OF NEXT YEAR.

1 THERE ARE NOW ACTUALLY IN THIS
2 LAST MONTH, IN OCTOBER, COLD CANYON BECAME A
3 REGISTERED SITE, AND YESTERDAY THE FIFTH SITE,
4 THE SECOND SINCE GREENING TEAM BEGAN, BUT THE
5 CITY OF LOS ANGELES AND GRIFFITH PARK HAS NOW
6 BECOME A REGISTERED CCQC SITE, SO THERE ARE
7 FIVE TOTAL SITES THAT ARE CCQC REGISTERED. A
8 SWANA IS PARTICIPATING AND MAY BECOME A PART OF
9 CCQC.
10 AND THEN 5.3, PARTNERSHIP
11 PROJECTS. THIS IS A NEW TARGET. IT'S ACTUALLY
12 5.4. AND IT'S TO INCREASE PROCUREMENT IN
13 LANDSCAPING.
14 THE LITTLE WHEELBARROWS INDICATE
15 POTENTIALLY THREE NEW PROJECTS THAT WE HOPE TO
16 HAVE FUNDED WITH THE \$300,000 THAT WAS VOTED BY
17 THE BOARD AND APPROVED BY THE BOARD, AND THE
18 REQUEST FOR PROPOSAL SHOULD GO OUT EITHER THIS
19 WEEK OR NEXT WEEK FOR BOTH LANDSCAPING AND
20 AGRICULTURAL PROJECTS, PARTNERSHIP PROJECTS.
21 THEN TARGET SIX IS AGRICULTURE.
22 SO 6.1, WE ARE ATTEMPTING TO MEASURE THE AMOUNT
23 OF PRODUCT SOLD THROUGH THAT SURVEY, AND WE ARE
24 ALSO REACHING OUT TO SPECIFIC COMMODITIES. IN
25 THIS CASE GRAPE GROWERS AND NUT GROWERS HAVE

1 BEEN IDENTIFIED, AND WE HAVE ATTENDED A COUPLE
2 OF SHOWS WITH OUR EXHIBIT, AND HAVE BEEN TO
3 OTHER EVENTS TRYING TO REACH OUT TO THOSE
4 GROWERS.

5 ALSO ON TARGET SIX WE WANT TO TRY
6 AND MEASURE THE ACRES APPLIED. THIS MAY BE
7 IMPOSSIBLE, AND WE MAY CHECK AND ADJUST AND
8 ELIMINATE THIS AT SOME FUTURE TIME, BUT THERE
9 ALREADY HAVE BEEN DISCUSSIONS INSTITUTED WITH
10 THE CAL FARM BUREAU FEDERATION, AND THEY MAY
11 PERHAPS PARTICIPATE IN A GROWER SURVEY TO
12 ATTEMPT TO FIND OUT HOW MANY ACRES ACTUALLY ARE
13 GETTING USE OF URBAN COMPOST MATERIALS OR
14 COMPOST IN GENERAL.

15 AND THEN THE LAST ITEM, TARGET
16 6.3, PARTNERSHIP PROJECTS. WE HAVE TRACTORS
17 FOR AGRICULTURE, AS YOU SAW THE WHEELBARROW --
18 OOPS. DID I JUST -- WELL, HOW DO I BACK UP
19 NOW. I'M SORRY. I'M AT THE END.

20 THERE WERE LITTLE TRACTORS THERE,
21 AND THERE ARE THREE IDENTIFIED AS POTENTIAL
22 PARTNERSHIP PROJECTS. WE HAVE TWO ALREADY
23 ONGOING PROJECTS WITH THE AGRICULTURE. ONE IS
24 THE STRAWBERRY FIELDS FOREVER, WORKING WITH THE
25 DEPARTMENT OF PESTICIDE REGULATION, AND THE

1 SECOND IS IN VENTURA COUNTY WITH EROSION
2 CONTROL IN CITRUS.
3 SO THAT'S THE COMPLETION OF THE
4 UPDATE, AND IF THERE IS ANY QUESTIONS, I WILL
5 BE HAPPY TO ANSWER THEM. OUR STORYBOARD SHOULD
6 BE OUT IN THE LOBBY IN A FEW WEEKS OR A FEW
7 MONTHS.
8 THANK YOU ALL FOR LISTENING. THIS
9 CONCLUDES MY PRESENTATION.

10 CHAIRMAN PENNINGTON: THANK YOU.
11 ANY QUESTIONS?
12 VERY GOOD PRESENTATION. THANK
13 YOU.

14 MEMBER EATON: I JUST HAVE ONE
15 QUESTION.

16 CHAIRMAN PENNINGTON: YES, MR. EATON.

17 MEMBER EATON: WHAT WAS THE UNDERLYING
18 RATIONALE FOR ABANDONING FOOD WASTE AS A
19 TARGET?

20 MS. JONES: WE SUBMITTED A CONTRACT
21 CONCEPT TO FUND SOME CONTRACT WORK, AND THAT
22 WAS NOT APPROVED, SO IT STILL IS THERE AS
23 SOMETHING WE MIGHT BE DOING, BUT WE DON'T HAVE
24 THE RESOURCES AT THIS TIME TO WORK ON THAT
25 INTENSIVELY.

1 MEMBER EATON: AND AN UPDATE ON WHAT
2 OTHER PROJECTS WE HAVE DONE WITH OUR SISTER
3 AGENCIES IN STATE GOVERNMENT TO TRY AND GET
4 THEM, AS WE HAVE DONE WITH SOME OF THE OTHER
5 PROJECTS, TO GET THEM TO USE DEMONSTRATION
6 PROJECTS AND HELP US GET THE WORD OUT?
7 HAVE WE MET WITH OTHER AGENCIES
8 WITH REGARD TO THEIR BUILDING PROJECTS? YOU
9 KNOW, THERE IS ALWAYS SOMETHING GOING ON THAT
10 THE STATE IS EITHER BUILDING, MAINTAINING,
11 RECONSTRUCTING.

12 WHICH TARGET IS THAT INCLUDED IN?

13 MS. JONES: THIS IS ORGANIC MATERIALS.
14 I KNOW OUR BIORECYCLE PROGRAM DOES ASK WHO IS
15 USING COMPOST AND MULCH, BUT I DON'T KNOW OF
16 ANY ACTIVE PROGRAM THAT WOULD BE ENCOURAGING
17 THEM TO USE MORE COMPOST AND MULCH WITHIN
18 GOVERNMENT.

19 BILL ORR.

20 MR. ORR: I'M BILL ORR, THE LEADER OF
21 THE GREENING TEAM.
22 UNDER TARGET 2.1 THAT IS SHOWN AS
23 DELETED, WE HAD INITIATED A SECTOR PROFILE OF
24 THE INSTITUTIONAL SECTOR AND HAD BEEN WORKING
25 WITH OUR PROJECT RECYCLE STAFF TO IDENTIFY THE

1 POTENTIAL IN THE AREA OF STATE FACILITIES.
2 THAT WOULD BE PART OF THE TARGET THAT WAS
3 DELETED.
4 THERE ARE INDEPENDENT DISCUSSIONS
5 GOING ON INTERNALLY WITHIN PROJECT RECYCLE
6 ABOUT USING IN-VESSEL OR OTHER SYSTEMS AT STATE
7 FACILITIES, SO THOSE DISCUSSIONS ARE ONGOING,
8 BUT THE TARGET ITSELF HAS BEEN ELIMINATED.

9 MS. TRGOVCICH: MEMBER EATON, THIS IS
10 KAREN TRGOVCICH OF THE DIVISION AS WELL, JUST
11 TO PROVIDE YOU WITH SOME INFORMATION ON OUR
12 CALTRANS WORK AS WELL.

13 I DON'T KNOW IF YOU ARE AWARE, BUT
14 IT WAS PROBABLY ABOUT EIGHT MONTHS AGO THAT
15 CALTRANS AMENDED THEIR SPECIFICATIONS, AND WE
16 HAVE BEEN WORKING WITH THEM AROUND THE USE OF
17 COMPOST AND MULCH ON ROADSIDES AND VARIOUS
18 APPLICATIONS.

19 WE THEN WENT OUT TO THE LIST OF
20 COMPOST AND MULCH OPERATORS OUT IN THE STATE TO
21 ADVISE THEM OF THE NEW CALTRANS DIRECTIVE, AND
22 50 WE HAVE ONGOING WORK WITH CALTRANS AS OUR
23 SISTER AGENCY. WE SEE THAT AS A MAJOR FOCUS IN
24 TERMS OF OUR ONGOING WORK.

25 MEMBER EATON: I WAS THINKING ALONG

1 PARKS AND REC, WHICH ALSO USE A TREMENDOUS
2 AMOUNT OF LANDSCAPING AND THOSE OTHER KINDS
3 OF -- YOU KNOW, EVERYONE IS SORT OF WITH
4 CALTRANS, AND I WAS JUST WONDERING WHAT ELSE WE
5 MIGHT BE ABLE TO DO TO HELP OR TO ALLOW
6 MR. CHESBRO TO DO HIS MAGIC ONCE HE GETS OVER
7 TO THE SENATE TO KIND OF BOUNCE HIM AROUND A
8 LITTLE BIT.

9 MS. TRGOVCICH: THAT'S CERTAINLY AN
10 AREA TO FOCUS ON. WE HAVE FOCUSED ON CALTRANS
11 BECAUSE THEY ARE MORE OR LESS THE GURU OF
12 SPECIFICATIONS, AND ONCE THEY START DOWN A
13 ROAD, EVERYONE ELSE SEEMS TO FOLLOW.

14 MEMBER EATON: THAT'S A SCARY THOUGHT.

15 CHAIRMAN PENNINGTON: OKAY. WE HAVE
16 MATT COTTON WITH THE CCQC.

17 MR. COTTON: MR. CHAIRMAN AND BOARD
18 MEMBERS. I GUESS FOLLOWING WITH THAT QUESTION,
19 I DO REPRESENT THE CALIFORNIA COMPOST QUALITY
20 COUNCIL, ANOTHER FOUR-LETTER ACRONYM WITH A LOT
21 OF C'S. IT'S NOT CRC OR CRA, BUT THE
22 CALIFORNIA COMPOST QUALITY COUNCIL.
23 I JUST WANT TO HIGHLIGHT OUR
24 APPRECIATION OF BOARD SUPPORT THROUGH THE
25 GREENING TEAM. EARLIER ON YOU HAD NAPA

1 COMPOST, WHO IS ONE OF OUR EARLY PARTICIPANTS.
2 WE ARE VERY PLEASED THAT THEY ARE EXPANDING AND
3 INCREASING THEIR EFFORTS. THEY ARE A CCQC
4 VERIFIED PRODUCER. WE NOW HAVE FIVE, AS PAT
5 JONES MENTIONED.
6 LAST NIGHT WE APPROVED OUR FIRST
7 PUBLIC AGENCY FACILITY, WHICH IS A HUGE
8 LANDMARK. IT'S ALSO A HUGE LANDMARK IN THAT
9 IT'S THE FIRST FACILITY THAT USES BIO SOLIDS OR
10 SEWAGE SLUDGE AS THE LAGUNA TREATMENT PLANT
11 DOES, SO MAYBE THEY ARE NEXT.
12 WE ARE ON THE ROAD TO TEN, AS PAT
13 JONES TALKED ABOUT. WE HAVE GOT FIVE
14 FACILITIES VERIFIED NOW THROUGH THE PROCESS.
15 WE ARE WORKING ON GETTING UP TO TEN, POSSIBLY
16 TWELVE BY MARCH '99, WHICH IS THE BIOCYCLE
17 CONFERENCE.
18 I WANTED TO CLARIFY SOMETHING PAT
19 JONES MENTIONED. WE ARE ACTUALLY HOPING TO GET
20 TO 20 BY THE END OF 1999. WE THINK WE WILL
21 HAVE TEN OR TWELVE, AS I SAY, BY MARCH AND
22 HOPEFULLY SNOWBALL THAT INTO 20 BY THE END OF
23 '99, HOPING TO DOVETAIL WITH THE BOARD TO GET
24 TO 30 BY THE END OF 2000.
25 WITH SWANA COMING ON, WE THINK WE

1 CAN GET AN ADDITIONAL TEN FACILITIES FROM
2 THERE. WE HAVE BEEN WORKING WITH THEM VERY
3 CLOSELY.
4 THAT'S THE GOOD NEWS. WE ARE
5 WORKING ON WE HAVE GOT TWO COMPOST WORKSHOPS,
6 COMPOST USE WORKSHOPS SCHEDULED THIS WINTER IN
7 JANUARY IN SAN DIEGO AND LATER IN LOS ANGELES.
8 WE ARE GOING TO HAVE TWO MORE PROBABLY IN
9 NORTHERN CALIFORNIA.
10 WE ARE WORKING VERY CLOSELY WITH
11 CAL POLY POMONA, THE LAND LAB, WHO THE BOARD
12 HAS FUNDED TO DO SOME WORK WITH SPECIFICATIONS,
13 BUILDING ON WHAT CALTRANS HAS DONE.
14 WE ARE ALSO WORKING WITH THE CITY
15 OF SAN DIEGO, WHO HAS BEEN WORKING WITH THEIR
16 GREEN TEAM PUBLIC WORKS SPECIFICATIONS TO
17 INCREASE THAT, SO WE ARE DOING A LOT OF WORK
18 WITH SPECIFICATIONS.
19 CALTRANS HAS MADE A TREMENDOUS EFFORT,
20 AND NOW YOU ARE GOING TO SEE THE CITIES, THE
21 COUNTIES PERHAPS SPECKING THIS MATERIAL, SO
22 THERE IS A LOT OF GOOD NEWS THERE. THAT'S
23 TARGET 5.3.
24 AND AGAIN WE APPRECIATE THE
25 BOARD'S SUPPORT AND LOOK FORWARD TO WORKING

1 WITH THEM AND BEING SUPPORTED BY THEM THROUGH
2 THE GREENING TEAM PROCESS.
3 I WANT TO DISCUSS VERY BRIEFLY
4 ALSO TARGET FOUR, PERHAPS TAKING OFF MY CCQC
5 HAT AND TALKING AS A PERSON WHO HAS WORKED IN
6 THE ORGANICS INDUSTRY FOR THE LAST 12 YEARS.
7 THE ORGANICS INDUSTRY,
8 SPECIFICALLY THE COMPOSTING INDUSTRY, NEEDS
9 BOARD SUPPORT WITH THIS ISSUE OF NONCOMPLIANT
10 FACILITIES. THERE IS A LIST OF FACILITIES.
11 DON'T KNOW IF ANYONE HAS REALLY LOOKED AT THE
12 FACT THAT THESE UNREGULATED NONCOMPLIANT MULCH
13 FACILITIES THAT ARE CATCHING ON FIRE ARE
14 HURTING THE INDUSTRY.
15 EVERY ONE THAT WE HAVE THAT WE
16 CLOSE DOWN BECAUSE IT DOESN'T HAVE LAND USE
17 PERMIT, BECAUSE IT CAUGHT ON FIRE, BECAUSE
18 NOBODY KNEW IT WAS THERE, IS KILLING OR MAKING
19 IT THAT MUCH MORE DIFFICULT FOR THE NEXT FIVE
20 FACILITIES TO COME ON LINE.
21 I TOOK A TOUR RECENTLY OF TWO OF
22 THESE SITES DOWN IN SOUTHERN CALIFORNIA WITH
23 TWO VERY NICE, FRIENDLY, SUPPORTIVE COMPOSTING
24 FACILITIES WHO DOWN THE ROAD HAVE NEIGHBORS
25 THAT ARE THESE UNREGULATED MULCH SITES THAT

1 HAVE CAUGHT ON FIRE.
2 IT'S MAKING IT EXTREMELY DIFFICULT
3 FOR THEM TO GO THROUGH WHAT NAPA WENT THROUGH
4 THIS MORNING WITH A SLAM-DUNK OF AN EXPANSION
5 TO INCREASE THEIR MARKET, SO ANYTHING THE BOARD
6 CAN DO TO INCREASE THAT EFFORT.
7 THERE IS ADDITIONAL WRITTEN
8 TESTIMONY FROM EVAN EDGAR, THE CHAIRMAN OF
9 CCQC, TO TALK ABOUT DISTINGUISHING COMPOST FROM
10 MULCH, ANYTHING ELSE THE BOARD CAN DO. I THINK
11 HE HAS SOME GOT SOME GOOD RECOMMENDATIONS THERE
12 THAT WOULD BE APPRECIATED.
13 AND I WILL BE HAPPY TO ANSWER ANY
14 QUESTIONS.

15 CHAIRMAN PENNINGTON: ANY QUESTIONS OF
16 MR. COTTON?

17 MEMBER CHESBRO: GOT ANY LEGISLATIVE
18 IDEAS FOR ENCOURAGING MORE COMPOSTING?
19 TALK TO ME LATER.

20 MR. COTTON: THERE IS A LOT OF STUFF
21 ON THE BOOKS, WES, THAT NOBODY HAS LOOKED AT.
22 I CAN'T PULL THE NUMBERS OUT, BUT THERE ARE
23 STATUTES ON THE BOOKS FROM THE EARLY '90S THAT
24 SAY STATE AGENCIES WILL USE COMPOST. THEY
25 DON'T. THE CITIES SHOULD BE USING COMPOST.

1 THEY DON'T. LET'S FIGURE OUT HOW TO MAKE THEM
2 DO IT.

3 MEMBER CHESBRO: COME BY.

4 MR. COTTON: I WILL.

5 CHAIRMAN PENNINGTON: OKAY. WE WILL
6 RECESS UNTIL 2:00 O'CLOCK. WHEN WE COME BACK,
7 WE WILL HAVE TWO ITEMS, ONE WHICH IS A PUBLIC
8 HEARING, AND THE THIRD ITEM, WHICH IS A PHOTO
9 OF THE BOARD MEMBERS WITH MR. CHESBRO.

10 [LUNCH RECESS.]

11 CHAIRMAN PENNINGTON: OKAY. LET'S GET
12 BACK TO WORK HERE. WE NEED TO START WITH EX
13 PARTES. I DON'T THINK ANYBODY HAS ANY EX
14 PARTES FROM LUNCH UNLESS WE HAVE TO EX PARTE
15 OURSELVES.

16 OKAY. LET'S MOVE TO ITEM 13,
17 CONSIDERATION OF APPROVAL OF THE AMENDED SCOPE
18 OF WORK AND AWARD OF AN AMENDED CONTRACT WITH
19 CITYGATE ASSOCIATES FOR THE GRASSCYCLING VIDEO.
20 CAREN TRGOVCICH.

21 CITYGATE ALWAYS CONJURES SOMETHING
22 ELSE UP TO ME.

23 MS. TRGOVCICH: IT SHOULD CONJURE UP A
24 BEAUTIFUL PROFESSIONALLY DONE VIDEO.

25 CHAIRMAN PENNINGTON: WELL, GOOD. SO

1 MANY OF THESE OTHERS, YOU KNOW, WATERGATE.

2 MS. TRGOVCICH: YOU HAVEN'T HEARD
3 ABOUT RAP SCAM, HAVE YOU?

4 CHAIRMAN PENNINGTON: NO.

5 MEMBER JONES: OR GARBAGE GATE.

6 AGENDA ITEM NO. 13

7 MS. TRGOVCICH: THIS PRESENTATION IS
8 GOING TO BE MADE BY HOWARD LEVENSON. THIS IS
9 THE PRESENTATION OF THE AMENDED SCOPE OF WORK
10 FOR THE CITYGATE CONTRACT, AND HOWARD WILL BE
11 PROVIDING A RECOMMENDATION WITH RESPECT TO
12 FUNDS TO BE DIRECTED INTO THE CONTRACT AND THEN
13 WHAT THE REMAINING FUNDS WOULD BE USED FOR.

14 MR. LEVENSON: THANK YOU, KAREN, AND
15 GOOD AFTERNOON, BOARD MEMBERS.
16 ACTUALLY KEN DECIO IS GOING TO BE
17 MAKING THE PRESENTATION, BUT I DID WANT TO
18 INTRODUCE KEN AND ALSO INDICATE THAT BEFORE WE
19 LEFT -- WHEN WE LAST LEFT YOU BEFORE LUNCH, WE
20 WERE TALKING ABOUT THE GREENING TEAM AND THE
21 PRIORITY PLAN AS A WHOLE, AND THIS IS ONE
22 COMPONENT OF THAT PRIORITY PLAN. IT'S PART OF
23 IMPLEMENTING TARGET ONE IN THAT PLAN.
24 AND SO WITH THAT CONTEXT I WILL
25 TURN IT OVER TO KEN FOR THE PRESENTATION.

1 MR. DECIO: GOOD AFTERNOON. AS HOWARD
2 MENTIONED, TODAY WE ARE SEEKING APPROVAL FROM
3 THE BOARD TO AMEND THIS GLOBAL WORK WITH
4 CITYGATE ASSOCIATES AND PROVIDE ADDITIONAL
5 \$54,000 TO COMPLETE THE GRASSCYCLING VIDEO AND
6 THEN REDIRECT \$46,000 TO DEVELOP GRASSCYCLING
7 PROMOTIONAL MATERIALS TO BE DEVELOPED IN-HOUSE.
8 TO GIVE YOU A LITTLE BACKGROUND,
9 IN MAY THE BOARD APPROVED \$45,700 FROM '97-98
10 FUNDS FOR THE INITIAL PRODUCTION OF THE
11 GRASSCYCLING VIDEO, AND THEN IN SEPTEMBER WE
12 CAME BACK WITH A CONTRACT CONCEPT OF \$550,000,
13 WHICH WAS APPROVED BY THE BOARD. THAT WAS TO
14 GO FOR REGIONAL GRASSCYCLING CAMPAIGNS AND THE
15 COMPLETION OF THE GRASSCYCLING VIDEO.
16 THE BOARD APPROVED \$450,000 FOR
17 THE REGIONAL GRASSCYCLING CAMPAIGNS, AND THEN
18 \$100,000 TO COMPLETE THE GRASSCYCLING VIDEO.
19 RIGHT NOW WE ARE CURRENTLY WORKING
20 WITH THE LOS ANGELES REGION, INLAND EMPIRE, AND
21 THE SAN FRANCISCO BAY AREA TO START DEVELOPING
22 THOSE REGIONAL GRASSCYCLING CAMPAIGNS, AND IN
23 THE PROCESS OF WORKING WITH THOSE REGIONS, IT'S
24 BECOME APPARENT THAT THEY ARE VERY INTERESTED
25 IN THE BOARD COMPLETING THE GRASSCYCLING VIDEO

1 AND PUBLIC SERVICE ANNOUNCEMENTS, VIDEO NEWS
2 RELEASES, AND THEY ARE ALSO INTERESTED IN US
3 PRODUCING SOME GENERIC GRASSCYCLING BROCHURES
4 AND MEDIA KITS.
5 WE BELIEVE THAT \$54,000 WILL BE
6 SUFFICIENT TO COMPLETE THE GRASSCYCLING VIDEO,
7 AND WE WOULD LIKE TO USE THE SAME CONTRACTOR,
8 CITYGATE ASSOCIATES, AND AMEND THAT CONTRACT SO
9 THT WE CAN HAVE THE VIDEO DONE IN TIME FOR THE
10 SPRING 1999 GRASSCYCLING CAMPAIGNS.
11 THEN WE WOULD LIKE TO USE THE
12 REMAINING \$46,000 OF THE \$100,000 APPROVED BY
13 THE BOARD TO DEVELOP IN-HOUSE PROMOTIONAL
14 GRASSCYCLING MATERIALS.
15 AS FAR AS WHAT THAT \$54,000 WILL
16 GET US, THERE ARE SOME BASIC COMPONENTS IN
17 FINISHING THE VIDEO.
18 FIRST OF ALL, RIGHT NOW ALL WE
19 HAVE IS RAW FOOTAGE, SO WHAT NEEDS TO BE DONE
20 IS WE NEED TO DUB IN THE VOICES, MUSIC,
21 GRAPHICS AND THEN COME UP WITH A HIGH
22 RESOLUTION FINAL EDIT.
23 THIS WILL ALSO BE DUBBED IN
24 SPANISH, AND THEN WE NEED TO MAKE COPIES OF THE
25 VIDEO, INCLUDING THE PSA'S AND THE VIDEO NEWS

1 RELEASES, BOTH IN ENGLISH AND IN SPANISH.
2 AND THEN FINALLY BOXES ARE TO BE
3 PRODUCED BOTH IN SPANISH AND ENGLISH SO THAT
4 THE VIDEO CAN BE PLACED IN VIDEO RENTAL STORES,
5 LIBRARIES, AND OTHER APPROPRIATE LOCATIONS.
6 SO AGAIN, WE FEEL WE CAN DO THAT
7 FOR \$54,000, AND THEN AGAIN THE REMAINING
8 \$46,000 WE WOULD LIKE TO USE IN-HOUSE TO
9 DEVELOP BROCHURES, MEDIA KITS, BILL INSERTS SO
10 WE CAN HELP PROMOTE THE GRASSCYCLING VIDEO,
11 AND ALSO THESE TOOLS CAN BE USED FOR THE
12 REGIONAL CAMPAIGNS THAT I ALLUDED TO EARLIER
13 AND OTHER INTERESTED JURISDICTIONS THAT WANT TO
14 PARTICIPATE IN THE GRASSCYCLING PROMOTION IN
15 THE SPRING OF '99. SO THIS CAN BE DEVELOPED
16 IN-HOUSE, BUT IT DOES REQUIRE THE BOARD
17 APPROVAL.
18 SO IN SUMMARY, WE FEEL THAT THE
19 VIDEO AND OTHER GENERIC GRASSCYCLING MATERIALS
20 WILL BE REAL USEFUL FOR THESE REGIONAL
21 CAMPAIGNS AND OTHER JURISDICTIONS THAT ARE
22 INTERESTED IN PROMOTING GRASSCYCLING, AND THE
23 STAFF RECOMMENDS THAT YOU APPROVE OPTION ONE,
24 WHICH IS TO APPROVE THE SCOPE OF WORK AND AWARD
25 A CONTRACT AMENDMENT OF \$54,000 TO CITYGATE

1 ASSOCIATES TO COMPLETE THE GRASSCYCLING VIDEO
2 AND THEN REDIRECT \$46,000 TO DEVELOP IN-HOUSE
3 GRASSCYCLING PROMOTIONAL MATERIALS.
4 ARE THERE ANY QUESTIONS FROM THE
5 BOARD MEMBERS?

6 CHAIRMAN PENNINGTON: MEMBER EATON?

7 MEMBER EATON: I JUST WANT TO USE THE
8 OPPORTUNITY, AS WE SPOKE AT OUR BRIEFING, THAT
9 AS WE PRODUCE THESE VIDEOS AND OTHER KINDS OF
10 MATERIAL, REMIND YOU ONCE AGAIN THAT THE
11 CONTRACTS CONTAIN THE PACKAGING SHOULD BE A
12 RECYCLED CONTENT, THE WRAPPING SHOULD BE A
13 RECYCLED CONTENT TENT, THE PLASTIC OR WHATEVER
14 GOES INTO MAKING THE VIDEO, IF AT ALL POSSIBLE,
15 SHOULD BE EXPLORED, EVEN THOUGH IT COSTS MORE,
16 IT MIGHT BE BEST, I THINK IT IS SOMEWHAT -- YOU
17 KNOW, WE HAVE TO BE A LITTLE MORE EXTRA
18 SENSITIVE AS WE GO OUT ON THESE CAMPAIGNS, AS
19 WE LOOK AT SOME OF THESE THINGS, AND I KNOW
20 IT'S SOMETHING WE DISCUSSED TO LOOK AT, AND
21 PERHAPS HOW WE PUT THEM OUT, IT WOULD BE
22 IMPORTANT AS WELL.

23 CHAIRMAN PENNINGTON: ANY OTHER
24 QUESTIONS?

25 MEMBER JONES: I AGREE.

1 MR. CHAIRMAN?

2 CHAIRMAN PENNINGTON: MR. JONES.

3 MEMBER JONES: I WOULD LIKE TO MAKE A
4 MOTION TO ADOPT RESOLUTION 98-372, TO REDIRECT
5 THOSE FUNDS AND GIVE THEM THEIR 54 AND 46.

6 MEMBER RHOADS: I SECOND THAT.

7 CHAIRMAN PENNINGTON: OKAY. IT'S BEEN
8 MOVED BY MR. JONES, SECONDED BY MR. RHOADS, THE
9 ADOPTION OF RESOLUTION 98-372.

10 IF THERE IS NO FURTHER QUESTIONS,
11 WILL THE SECRETARY CALL THE ROLL, PLEASE.

12 THE SECRETARY: BOARD MEMBER CHESBRO?

13 MEMBER CHESBRO: AYE.

14 THE SECRETARY: EATON?

15 MEMBER EATON: AYE.

16 THE SECRETARY: JONES?

17 MEMBER JONES: AYE.

18 THE SECRETARY: RHOADS?

19 MEMBER RHOADS: AYE.

20 THE SECRETARY: CHAIRMAN PENNINGTON?

21 CHAIRMAN PENNINGTON: AYE.

22 MOTION CARRIES.

23 THIS CONCLUDES OUR REGULAR

24 BUSINESS AGENDA FOR TODAY. WE WILL NOW MOVE TO

25 ITEM 14, WHICH IS A PUBLIC HEARING ON

1 COMPLIANCE WITH THE '97 NEWSPRINT CONSUMER
2 CERTIFICATION REQUIREMENTS.

3 AGENDA ITEM NO. 14

4 I WOULD LIKE TO CALL TO ORDER THE
5 CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD'S
6 PUBLIC HEARING ON THE CONSIDERATION OF
7 ENFORCEMENT ACTION AGAINST NEWSPRINT CONSUMER
8 PUBLISHERS' PRINTING SERVICE, INC., DOING
9 BUSINESS AS DAY AND NIGHT, FOR FAILURE TO FILE
10 A 1997 NEWSPRINT CONSUMER CERTIFICATION IN
11 ACCORDANCE WITH PUBLIC RESOURCES CODE SECTION
12 42791.

13 WOULD THE BOARD SECRETARY PLEASE
14 CALL THE ROLL.

15 THE SECRETARY: BOARD MEMBER CHESBRO?

16 MEMBER CHESBRO: HERE.

17 THE SECRETARY: EATON?

18 MEMBER EATON: HERE.

19 THE SECRETARY: FRAZEE?

20 ABSENT.

21 JONES?

22 MEMBER JONES: HERE.

23 THE SECRETARY: RHOADS?

24 MEMBER RHOADS: HERE.

25 THE SECRETARY: CHAIRMAN PENNINGTON?

1 CHAIRMAN PENNINGTON: HERE.
2 A QUORUM IS PRESENT.
3 WE ARE GOING TO TAKE A FEW MINUTES
4 HERE TO EXPLAIN HOW THIS HEARING WILL PROCEED.
5 FIRST, ALL WITNESSES HERE TO
6 TESTIFY IN THE PUBLIC HEARING LISTED AS AGENDA
7 ITEM 14TH IN THE BOARD'S NOTICE WILL BE SWORN
8 IN BY THE COURT REPORTER ALL AT ONE TIME.
9 SECOND, LEGAL COUNSEL WILL
10 DESCRIBE THE LEGAL FRAMEWORK AND ESTABLISHED
11 BOARD POLICY FOR ASSESSING CIVIL PENALTIES.
12 THIRD, STAFF WILL PRESENT THE
13 FACTS LEADING UP TO THE HEARING.
14 FOURTH THE PUBLISHERS' PRINTING
15 SERVICE, INC., CAN PRESENT INFORMATION FOR THE
16 ADMINISTRATIVE RECORD.
17 AND LAST, THE BOARD WILL
18 DELIBERATE AND RENDER THE DECISION.
19 NOW ALL THE PARTIES THAT ARE GOING
20 TO TAKE PLACE IN THIS NEED TO BE SWORN IN.
21 IS THERE ANYBODY HERE FROM
22 PUBLISHERS' PRINTING SERVICE?
23 OKAY. I GUESS HE IS THE ONLY ONE
24 TO BE SWORN IN.
25 [WITNESS SWORN.]

1 CHAIRMAN PENNINGTON: YOU'RE ON.

2 MS. BORZELLERI: DEBORAH

3 BORZELLERI, COUNSEL TO THE BOARD.

4 I WILL BE DESCRIBING THE LEGAL

5 FRAMEWORK FOR THE NEWSPRINT -- RECYCLED CONTENT

6 NEWSPRINT LAW AND THE ESTABLISHED PENALTIES

7 THAT THE BOARD HAS ADOPTED FOR ASSESSING CIVIL

8 PENALTIES.

9 FIRST OF ALL, THE RECYCLED CONTENT

10 NEWSPRINT LAW, WHICH IS FOUND IN PUBLIC

11 RESOURCES CODE SECTION 42750 THROUGH 42791,

12 APPLIES TO CONSUMERS OF NEWSPRINT IN

13 CALIFORNIA.

14 A CONSUMER OF NEWSPRINT IS ANY

15 PERSON WHO RUNS A -- WHO USES NEWSPRINT IN A

16 COMMERCIAL PRINTING OR PUBLISHING OPERATION.

17 THE LAW REQUIRES EVERY CONSUMER OF

18 NEWSPRINT WITHIN THE STATE TO CERTIFY TO THE

19 BOARD BY MARCH 1 OF EACH YEAR THE NUMBER OF

20 TONS OF NEWSPRINT USED AND THE NUMBER OF TONS

21 OF RECYCLED CONTENT NEWSPRINT USED DURING THE

22 PRECEDING CALENDAR YEAR SO THAT THE BOARD CAN

23 CALCULATE THAT PERCENTAGE.

24 RECYCLED NEWSPRINT MEANS NEWSPRINT

25 IN WHICH NOT LESS THAN 40 PERCENT OF ITS FIBER

1 CONSISTS OF POST-CONSUMER CONTENT.
2 THE PROGRAM IS SET UP SO THAT THE
3 PERCENTAGE REQUIREMENT INCREASES EVERY TWO
4 YEARS, AND THE PERCENTAGE REQUIREMENT FOR 1997,
5 WHICH IS THE YEAR IN QUESTION FOR THIS HEARING,
6 IS 35 PERCENT.
7 PUBLIC RESOURCES CODE SECTION
8 42791 ALSO ALLOWS THE BOARD TO ASSESS
9 ADMINISTRATIVE CIVIL PENALTIES NOT TO EXCEED
10 \$1,000 FOR EACH VIOLATION OF THE STATUTE
11 SUBJECT TO NOTICE AND HEARING.
12 AT ITS OCTOBER 1997 MEETING, THE
13 BOARD ADOPTED HEARING PROCEDURES AND GUIDELINES
14 FOR ASSESSING CIVIL PENALTIES UNDER THE
15 NEWSPRINT LAW.
16 BASED ON THOSE GUIDELINES, ON A
17 CASE-BY-CASE BASIS, THE BOARD HAS DETERMINED IT
18 WILL ASSESS CIVIL PENALTIES USING THE FOLLOWING
19 CRITERIA:
20 NUMBER ONE -- AND RICK IS GOING TO
21 GO OVER THIS A LITTLE BIT MORE LATER IN HIS
22 PRESENTATION, BUT I JUST WANT TO SET THAT OUT
23 FOR NOW -- NUMBER ONE IS THE VIOLATOR'S GOOD
24 FAITH EFFORTS TO COMPLY OR LACK OF GOOD FAITH.
25 NUMBER 2 IS THE VIOLATOR'S DEGREE

1 OF WILLINGNESS TO COMPLY WITH THE LAW.
2 NUMBER THREE IS THE VIOLATOR'S
3 HISTORY OF COMPLIANCE.
4 NUMBER 4 IS THE VIOLATOR'S IMPACT
5 ON THE RECYCLED CONTENT NEWSPRINT MARKET.
6 NUMBER 5 IS THE SIZE OF THE
7 VIOLATOR'S OPERATION, WHICH RELATES TO THE
8 VIOLATOR'S ABILITY TO PAY THE PENALTY.
9 AND NUMBER 6 IS ANY OTHER UNIQUE
10 CIRCUMSTANCES THE BOARD DETERMINES ARE RELEVANT
11 AND SHOULD BE CONSIDERED FOR EACH INDIVIDUAL
12 ENFORCEMENT ACTION BROUGHT FORWARD.
13 THAT CONCLUDES MY PRESENTATION.

14 CHAIRMAN PENNINGTON: OKAY. NOW WE
15 WILL HEAR FROM RICK MULLER.

16 MR. MULLER: GOOD AFTERNOON,
17 MR. CHAIRMAN AND MEMBERS. FOR THE RECORD MY
18 NAME IS RICK MULLER, AND I HAVE BEEN A PROGRAM
19 LEAD FOR THE NEWSPRINT PROGRAM SINCE 1993.
20 I WOULD LIKE TO COVER A LITTLE BIT
21 ABOUT THE COMPLIANCE HISTORY AND ALSO ISSUES
22 RELATED TO THE COLLECTION OF PAST FINES.
23 ON JANUARY 29TH, 1998, THE BOARD
24 LEVIED CIVIL PENALTIES AGAINST PUBLISHERS'
25 PRINTING SERVICE, INC., WHICH IS DOING BUSINESS

1 AS DAY AND NIGHT, FOR VIOLATIONS OF THE
2 RECYCLED CONTENT NEWSPRINT LAW DURING 1994,
3 1995, AND 1996, AND BOARD STAFF ARE ATTEMPTING
4 TO -- OR ARE PURSUING THE COLLECTION OF THIS
5 FINE.

6 BOARD STAFF IS FOLLOWING
7 PROCEDURES OUTLINED IN THE STATE ADMINISTRATIVE
8 MANUAL, THE SAM MANUAL, SECTION 8776.6, TO
9 COLLECT THIS FINE.

10 PUBLISHERS' PRINTING SERVICE WAS
11 FIRST INVOICED \$3,000 ON APRIL 6, 1998, AND THE
12 SAM REQUIRES A SERIES OF THREE DEMAND LETTERS
13 OR COLLECTION LETTERS BE SENT AT 30, 60, AND
14 90-DAY INCREMENTS IF PAYMENT IS NOT RECEIVED
15 WITHIN 30 DAYS FROM THE DATE OF THE ORIGINAL
16 INVOICE, AND WE DID NOT RECEIVE ANY PAYMENT.
17 SO THE FINAL DEMAND LETTER WENT
18 OUT ON OCTOBER 30TH, 1998, SO IF NO PAYMENT IS
19 RECEIVED 30 DAYS FROM THE DATE OF THIS FINAL
20 LETTER AND WE RECEIVE NO WRITTEN APPEAL FROM
21 THE COMPANY, BOARD STAFF CAN BEGIN TO PURSUE
22 COLLECTION EFFORTS FOR THIS FINE.

23 BOARD STAFF WILL EVALUATE A NUMBER
24 OF OPTIONS PROVIDED FOR IN THE SAM, AND THESE
25 OPTIONS INCLUDE PURSUING CIVIL PENALTIES, OR

1 CIVIL JUDGMENTS AND LIENS ON BUSINESS
2 PROPERTIES, I SHOULD SAY, AND CONTRACTING WITH
3 OTHER STATE DEPARTMENTS AND OUTSIDE COLLECTION
4 AGENCIES.
5 IT'S MY UNDERSTANDING THAT THE
6 GUIDANCE PROVIDED FOR IN THE SAM IS BASICALLY
7 TO PURSUE THE MOST COST-EFFECTIVE MEANS OF
8 COLLECTING THE FINE, AND I DON'T BELIEVE THE
9 FINAL DECISION HAS BEEN MADE YET ON WHICH
10 OPTION THEY ARE GOING TO PURSUE.
11 CONCERNING THE CURRENT STATUS,
12 COMPLIANCE STATUS, OF DAY AND NIGHT, WE HAVE NO
13 RECORD OF HAVING RECEIVED THE 1997
14 CERTIFICATION, AND I WOULD LIKE TO PRESENT A
15 TIME LINE JUST TO SHOW THE EFFORTS THAT BOARD
16 STAFF MADE IN TRYING TO COLLECT -- OR TRYING TO
17 GET THEM TO SUBMIT THEIR CERTIFICATION.
18 DURING THE FIRST WEEK OF JANUARY
19 1998 --
20 MS. TOBIAS: RICK, CAN YOU ZOOM IN ON
21 A PARAGRAPH AT A TIME AND MAGNIFY IT? I DON'T
22 KNOW -- OR DID YOU GIVE COPIES TO THE BOARD?
23 BECAUSE REALLY IT'S FAIRLY UNREADABLE. I THINK
24 IF YOU ZOOM IN ON ONE PARAGRAPH AT A TIME, WE
25 CAN AT LEAST SEE THAT ON THE SCREEN. THANK

1 YOU.

2 MR. MULLER: I WILL MOVE IT UP AS I
3 NEED TO. THANK YOU FOR TELLING ME ABOUT THAT.
4 DURING THE FIRST WEEK OF JANUARY,
5 WE MAILED OUT A PACKET TO DAY AND NIGHT, WHICH
6 INCLUDED THE BLANK CERTIFICATION FORM,
7 REGULATIONS, AND INFORMATION HELPFUL IN
8 COMPLETING THE FORM, AND IT EVEN INCLUDED A
9 HELP LINE TELEPHONE NUMBER THEY COULD CALL IF
10 THEY HAD PROBLEMS IN COMPLETING IT.
11 THE DEADLINE FOR THE CERTIFICATION
12 WAS MARCH 1ST, 1998, AND WE DIDN'T RECEIVE ANY
13 FORM BY THAT DATE, SO ON JULY 14TH, 1998, WE
14 MAILED THE FINAL WARNING LETTER BY CERTIFIED
15 MAIL, AND THE LETTER WAS SENT TO MR. DAVID
16 SCHAFER, THE PRESIDENT OF DAY AND NIGHT.
17 THE LETTER PROVIDED INFORMATION ON
18 COMPLETING THE CERTIFICATION FORM AND ALSO
19 CONTAINED A CLEAR WARNING OF THE PENALTIES FOR
20 NONCOMPLIANCE. AGAIN WE INCLUDED A BLANK
21 CERTIFICATION FORM, AS WELL AS RELEVANT
22 STATUTES AND REGULATIONS.
23 THEN ON OR ABOUT JULY 28TH, 1998,
24 I PERSONALLY ATTEMPTED TO CONTACT MR. DAVID
25 SCHAFER BY TELEPHONE, AND I WASN'T ABLE TO

1 REACH HIM, BUT I DID LEAVE A MESSAGE WITH HIS
2 SECRETARY, AND I AGAIN REMINDED HIM OF THE NEED
3 TO COMPLETE THE CERTIFICATION AND ALSO ADVISED
4 HIM OF THE BOARD MEETING, WHICH WAS GOING TO
5 OCCUR AUGUST 13TH, 1998, IN WHICH THERE WAS A
6 POSSIBILITY THAT THE BOARD MAY WANT TO -- MAY
7 DIRECT STAFF TO PURSUE ENFORCEMENT ACTION.
8 AND FINALLY, HAVING NOT RECEIVED
9 THE CERTIFICATION FOLLOWING THIS TELEPHONE
10 CALL, WE FINALLY SENT A NOTICE OF PUBLIC
11 HEARING OUT ON OCTOBER 15TH.
12 I WOULD LIKE TO MAKE A SORT OF A
13 PREEMPTIVE COMMENT HERE, BECAUSE I THINK THERE
14 COULD BE A QUESTION ABOUT THIS.
15 WHY IS IT THAT WE ONLY MADE ONE
16 TELEPHONE CALL, AND WHY THE DELAY WHEN IN
17 PREVIOUS YEARS WE HAD MADE NUMEROUS TELEPHONE
18 CALLS FOR ALL LATE CONSUMERS. IN FACT IN SOME
19 CASES I RECALL MAKING AS MANY AS 12 CALLS FOR
20 THE 1996 REPORTING YEAR.
21 AND THE REASON FOR THIS IS THAT
22 THE PRINTING INDUSTRIES OF CALIFORNIA OFFERED
23 TO HELP US IN THE AREA OF COMPLIANCE FOLLOW-UP,
24 AND THEY MADE A LOT OF THESE CALLS FOR US AND
25 SENT LETTERS, AND THEY INFORMED ME THAT THEY

1 DID CONTACT DAY AND NIGHT IN THEIR PUBLIC
2 RELATIONS EFFORTS.
3 SO WE DIDN'T WANT TO -- WE WANTED
4 TO GIVE INDUSTRY AN OPPORTUNITY TO SHOW WHAT
5 THEY COULD DO, AND WE DIDN'T WANT TO CROSS
6 WIRES WITH THEM, SO THAT'S THE REASON THAT WE
7 ONLY MADE THE ONE PHONE CALL.
8 I WOULD LIKE TO MOVE NOW TO THE
9 STAFF RECOMMENDATION, AND I'M GOING TO SHOW THE
10 CRITERIA THAT DEBORAH TALKED ABOUT EARLIER AS
11 WELL.
12 THE STAFF RECOMMENDATION IS TO
13 ADOPT RESOLUTION 98-373, WHICH IMPOSES THE
14 MAXIMUM CIVIL PENALTY ON THE VIOLATOR OF
15 \$1,000, AND THIS IS FOR VIOLATION FOR 1997,
16 HAVING NOT FILED A CERTIFICATION FOR THAT YEAR.
17 IN LOOKING AT THE CRITERIA, I
18 WOULD LIKE TO REITERATE JUST BRIEFLY, THE
19 CRITERIA ARE THE VIOLATOR'S GOOD FAITH EFFORTS
20 TO COMPLY OR LACK OF GOOD FAITH, THE VIOLATOR'S
21 DEGREE OF WILLINGNESS TO COMPLY, THE VIOLATOR'S
22 HISTORY OF COMPLIANCE, THE VIOLATOR'S IMPACT ON
23 THE RECYCLED CONTENT NEWSPRINT MARKET, THE SIZE
24 OF THE VIOLATOR'S OPERATION, AND ANY OTHER
25 UNIQUE CIRCUMSTANCES THAT THE BOARD DETERMINES

1 ARE RELEVANT AND SHOULD BE CONSIDERED FOR EACH
2 INDIVIDUAL ENFORCEMENT ACTION BROUGHT FORWARD.
3 IN LOOKING AT THESE CRITERIA,
4 BOARD STAFF ONLY REALLY FOUND ONE CRITERION,
5 NO. 4, THE VIOLATOR'S IMPACT ON THE RECYCLED
6 CONTENT NEWSPRINT MARKET. IT REALLY SEEMED TO
7 ARGUE THAT PERHAPS THEY SHOULDN'T GET THE
8 MAXIMUM FINE.
9 WE BELIEVE THE NEWSPRINT PORTION
10 OF THIS OPERATION IS RELATIVELY SMALL AND HAS
11 NO MAJOR IMPACT ON THE RECYCLED CONTENT
12 NEWSPRINT MARKET; HOWEVER, IN BOARD STAFF'S
13 CONSIDERATION, THE OTHER FACTORS FAR OUTWEIGH
14 THIS, AND FOR THAT REASON WE WANTED TO
15 RECOMMEND THE MAXIMUM FINE.
16 AND IN PARTICULAR I WOULD LIKE TO
17 POINT OUT THE LONG HISTORY OF NONCOMPLIANCE,
18 FOUR CONSECUTIVE YEARS OF NOT SUBMITTING THE
19 CERTIFICATION AND WHAT SEEMS TO BE JUST A
20 GENERAL LACK OF GOOD FAITH.
21 SO AT THIS TIME I WOULD LIKE TO
22 SUBMIT SOME DOCUMENTS INTO THE ADMINISTRATIVE
23 RECORD, AND I HAVE -- I WOULD LIKE TO READ THE
24 DOCUMENTS THAT I'M GOING TO SUBMIT INTO THE
25 ADMINISTRATIVE RECORD AT THIS TIME.

1 THESE ARE ACTUALLY EXHIBITS 1
2 THROUGH 6, AND EXHIBIT 1 IS ENTITLED AGENDA
3 ITEM, PUBLIC HEARING AND CONSIDERATION OF
4 ENFORCEMENT ACTION AGAINST NEWSPRINT CONSUMER
5 PUBLISHERS' PRINTING SERVICE, INC., DOING
6 BUSINESS AS DAY AND NIGHT, FOR FAILURE TO FILE
7 A 1997 NEWSPRINT CONSUMER CERTIFICATION, PUBLIC
8 RESOURCES CODE SECTION 42791.
9 EXHIBIT 2 IS A FICTITIOUS BUSINESS
10 NAME STATEMENT DATED APRIL 17TH, 1995, AND THIS
11 DOCUMENT REVEALS THAT PUBLISHERS' PRINTING
12 SERVICE IS DOING BUSINESS AS DAY AND NIGHT AND
13 ALSO IDENTIFIES PAMELA SCHAFER AS THE PRESIDENT
14 OF THE CORPORATION.
15 ITEM 3 IS A FOLLOW-UP LETTER,
16 RETURN RECEIPT DOCUMENTATION. THIS IS THE
17 FINAL WARNING LETTER THAT I MENTIONED EARLIER.
18 ITEM OR EXHIBIT 4 IS NEWSPRINT
19 PROGRAM TELEPHONE LOG. THIS IS THE LOG THAT
20 INDICATES THAT WE DID MAKE A FOLLOW-UP
21 TELEPHONE CALL ON JULY 28TH, 1998.
22 EXHIBIT 5 IS PROOF OF SERVICE BY
23 MAIL CONCERNING NOTICE OF PUBLIC HEARING TO
24 CONSIDER IMPOSITION OF ADMINISTRATIVE CIVIL
25 PENALTIES IN THE MATTER OF PUBLISHERS' PRINTING

1 SERVICE, INC.
2 EXHIBIT SIX IS RETURN RECEIPT
3 DOCUMENTATION CONCERNING NOTICE OF PUBLIC
4 HEARING TO CONSIDER IMPOSITION OF
5 ADMINISTRATIVE CIVIL PENALTIES IN THE MATTER OF
6 PUBLISHERS' PRINTING SERVICE, INC.
7 I WOULD LIKE TO NOW HAND THESE
8 DOCUMENTS TO THE COURT REPORTER AND ALSO COPIES
9 TO THE SECRETARY.

10 CHAIRMAN PENNINGTON: OKAY.
11 [EXHIBITS 1 THROUGH 6 SUBMITTED.]

12 MR. MULLER: I WOULD BE HAPPY TO
13 ANSWER ANY QUESTIONS ABOUT THE PRESENTATION OR
14 THE DOCUMENTS THAT I JUST SUBMITTED INTO THE
15 RECORD AT THIS TIME, IF THERE ARE ANY.

16 CHAIRMAN PENNINGTON: QUESTIONS?
17 THERE DOESN'T APPEAR TO BE.
18 OKAY. ONCE AGAIN I WILL ASK IF
19 THERE IS A REPRESENTATIVE TO SPEAK ON BEHALF OF
20 PUBLISHERS' PRINTING SERVICE.
21 OKAY. IF NOT, I WOULD SAY THE
22 PUBLISHERS' PRINTING SERVICE, INC., DOING
23 BUSINESS AS DAY AND NIGHT, IS IN VIOLATION OF
24 THE RECYCLED CONTENT NEWSPRINT LAW, PUBLIC
25 RESOURCES CODE 42770, FOR THE YEAR 1997.

1 IN ACCORDANCE WITH PUBLIC
2 RESOURCES CODE SECTION 42791, THE BOARD HAS THE
3 AUTHORITY TO ASSESS A PENALTY OF UP TO \$1,000
4 PER VIOLATION.
5 AS THE PUBLISHERS' PRINTING
6 SERVICE, INC., HAS NOT MADE AN EFFORT TO COMPLY
7 WITH THE LAW, I MOVE THAT THE BOARD ADOPT
8 RESOLUTION 98-373 TO ASSESS A CIVIL PENALTY OF
9 \$1,000 AGAINST PUBLISHERS' PRINTING SERVICE FOR
10 VIOLATING SECTION 42770 OF THE PUBLIC RESOURCES
11 CODE.

12 MEMBER JONES: I'LL SECOND.

13 CHAIRMAN PENNINGTON: OKAY.

14 IF THERE IS NO FURTHER DISCUSSION, PENNINGTON
15 MOVES, JONES SECONDS, ADOPTION OF RESOLUTION
16 98-373.

17 IF THERE IS NO FURTHER DISCUSSION,
18 WILL THE SECRETARY CALL THE ROLL.

19 THE SECRETARY: BOARD MEMBER CHESBRO?

20 MEMBER CHESBRO: AYE.

21 THE SECRETARY: EATON?

22 MEMBER EATON: AYE.

23 THE SECRETARY: JONES?

24 MEMBER JONES: AYE.

25 THE SECRETARY: RHOADS?

1 MEMBER RHOADS: AYE.

2 THE SECRETARY: CHAIRMAN PENNINGTON?

3 CHAIRMAN PENNINGTON: AYE.

4 THE MOTION CARRIES, AND WE

5 WILL DIRECT STAFF TO PLEASE PREPARE AND ISSUE

6 AN ORDER OF THE BOARD'S DECISION WITHIN 30

7 DAYS.

8 THAT CONCLUDES THE BOARD'S HEARING,

9 AND THE BOARD IS NOW --

10 MEMBER CHESBRO: MR. CHAIRMAN?

11 CHAIRMAN PENNINGTON: YES.

12 MEMBER CHESBRO: ONE THING I WANTED TO

13 MENTION THAT I HAVE NOTICED TODAY AND I WAS

14 VAGUELY AWARE OF DURING MY LEAVE WAS THE LACK

15 OF THE PREVIOUSLY EXISTING COMMITTEE STRUCTURE.

16 AND I JUST WANTED TO SAY AS ONE OF

17 MY PARTING COMMENTS BEFORE I LEAVE, THAT WHILE

18 IT WAS LESS THAN PERFECT, AND CERTAINLY THERE

19 ARE PROBLEMS ASSOCIATED WITH IT, SEVERAL OF THE

20 ISSUES TODAY I FELT IT WAS NOTICEABLE THE LACK

21 OF AN INDIVIDUAL BOARD MEMBER AS A COMMITTEE

22 CHAIR HAVING BEEN WORKING WITH STAFF, CLOSELY

23 MONITORING TO MAKE SURE THAT THE BOARD'S

24 CONCERNS WERE REPRESENTED IN THE WAY THAT HAS

25 HAPPENED IN THE PAST WITH PARTICULAR SUBJECTS.

1 AND I DON'T WANT TO PICK OUT WHICH
2 ONE IT WAS, BECAUSE I DON'T WANT TO PICK ON ANY
3 PARTICULAR STAFF OR THE BOARD, BUT I DO THINK
4 THAT THAT CLOSER INVOLVEMENT WITH INDIVIDUAL
5 ISSUE AREAS WITH THE SPECIALIZATION OF BOARD
6 MEMBERS WAS A GREAT VALUE THAT IS NOTICEABLE BY
7 ITS ABSENCE RIGHT NOW.

8 SO I WON'T HAVE ANYTHING TO SAY
9 ABOUT IT, BUT I WOULD JUST ENCOURAGE YOU TO --
10 I KNOW THE CURRENT STATUS IS INTENDED TO BE
11 TEMPORARY, AND THERE IS GOING TO BE A FURTHER
12 DISCUSSION ABOUT WHAT TO DO, BUT REMOVING MY
13 PERSONAL INTEREST COMPLETELY FROM THE
14 SITUATION, I STILL THINK THAT THERE IS A REAL
15 VALUE TO THAT STRUCTURE, AND ALSO THE
16 PRECONSIDERATION AND PREDIGESTION THAT GOES ON
17 IN AN ISSUE BEFORE IT GETS TO THE BOARD LEVEL,
18 SO I WOULD URGE MY COLLEAGUES STRONGLY TO TAKE
19 A LOOK AT THE VALUES OF A COMMITTEE STRUCTURE,
20 HOWEVER IT GETS CONFIGURED WHEN THAT TIME
21 COMES.

22 I JUST WANTED TO LEAVE YOU WITH
23 THAT THOUGHT.

24 CHAIRMAN PENNINGTON: WELL, THANK YOU,
25 MR. CHESBRO, AND WE DO APPRECIATE YOUR INPUT IN

1 THIS. AS ONE WHO HAS BEEN HERE FOR EIGHT AND A
2 HALF YEARS, WE DO VALUE YOUR INPUT. WE HAD
3 INTENDED TO BRING THIS BACK TO THE BOARD IN
4 JANUARY, AND I'M SURE THAT WE WILL.

5 I MUST TELL YOU THAT WE HAVE
6 GOTTEN A LOT OF -- A GOOD RECEPTION FROM THE
7 PUBLIC ABOUT DOING IT THIS WAY. I THINK THE
8 STAFF HAS MIXED EMOTIONS ABOUT DOING IT THIS
9 WAY, AND I REALLY HAVEN'T HAD A CHANCE TO TALK
10 TO MY FELLOW COLLEAGUES ON THE BOARD AS TO
11 WHERE THEY STAND ON IT.

12 MEMBER CHESBRO: THAT'S WHY I TOOK MY
13 SHOT WHILE I HAVE A CHANCE.

14 CHAIRMAN PENNINGTON: I APPRECIATE IT,
15 AND I THINK IT IS WORTH LOOKING AT AGAIN.

16 MEMBER CHESBRO: THANK YOU.

17 CHAIRMAN PENNINGTON: SO WE CERTAINLY
18 WILL DO THAT.

19 I GUESS I HAVE TO ASK IS THERE ANY
20 PUBLIC COMMENT.

21 IF NOT, WE ARE RECESSED UNTIL
22 TOMORROW AT 9:30. I WOULD LIKE ALL THE BOARD
23 TO STAY HERE BECAUSE MR. FRITH WANTS TO GET A
24 PICTURE OF US.

25 [ADJOURNED FOR THE DAY.]

1 SACRAMENTO, CALIFORNIA

2 THURSDAY, NOVEMBER 19, 1998, 9:40 A.M.

3 CHAIRMAN PENNINGTON: GOOD MORNING AND

4 WELCOME TO THE NOVEMBER 19TH MEETING OF THE

5 CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD.

6 WOULD THE SECRETARY CALL THE ROLL,

7 PLEASE.

8 THE SECRETARY: BOARD MEMBER CHESBRO?

9 MEMBER CHESBRO: HERE.

10 THE SECRETARY: EATON?

11 MEMBER EATON: HERE.

12 THE SECRETARY: FRAZEE?

13 ABSENT.

14 JONES?

15 MEMBER JONES: HERE.

16 THE SECRETARY: RHOADS?

17 MEMBER RHOADS: HERE.

18 THE SECRETARY: CHAIRMAN PENNINGTON?

19 CHAIRMAN PENNINGTON: HERE.

20 WE HAVE A QUORUM.

21 MR. FRAZEE IS ABSENT AND WILL BE

22 ABSENT ALL DAY, SO WE WILL NOT CALL HIS NAME

23 DURING ROLL CALLS.

24 EX PARTES, WE WILL START WITH

25 MEMBER EATON.

1 MEMBER EATON: I HAVE NOTHING THAT
2 PERTAINS TO TODAY'S AGENDA THAT'S NOT ENTERED
3 ALREADY.

4 CHAIRMAN PENNINGTON: MR. JONES.

5 MEMBER JONES: WE HAD A COUPLE, ONE
6 FROM JIM DEWEESE FROM BUTTE COUNTY, A LITTLE
7 BIT ABOUT THEIR ITEM, AND THEN I GOT A CALL
8 THIS MORNING FROM MIKE LEGGINS TALKING ABOUT
9 WHAT HAPPENED AT THE ARCATA CITY COUNCIL IN
10 REGARDS TO AN ALLEGATION ABOUT MY INTEGRITY.
11 AND THEN I RECEIVED A FAX FROM
12 CARLOS BENEMAN, WHO IS THE MAYOR OF FERNDALE
13 AND ALSO SITS ON THE JPA, WHO SAYS THAT AFTER
14 HE MADE THE STATEMENTS THAT I WAS A SERIOUS
15 STAKEHOLDER IN NORCAL, HE FOUND OUT LATER THAT
16 IN FACT IT HAD BEEN TAKEN CARE OF.
17 I'M READING THAT INTO THE RECORD
18 NOW, BUT IT'S GOING TO BE THE SUBJECT OF SOME
19 MORE DISCUSSION, BECAUSE MY FPPC STATEMENTS
20 HAVE BEEN ON FILE FOR TWO YEARS, AND THE FACT
21 THAT I WORKED FOR NORCAL AND DISCLOSED IT AT
22 EVERY HEARING WE HAD ON HUMBOLDT COUNTY AND
23 THEN BE ACCUSED IN A PUBLIC MEETING THAT I AM A
24 SERIOUS SHAREHOLDER IN THAT COMPANY, I'M GOING
25 TO NEED SOME LEGAL ADVICE ABOUT SLANDER. AND

1 IT'S TYPICAL.

2 THOSE ARE THE END OF MY EX PARTES.

3 CHAIRMAN PENNINGTON: THANK YOU.

4 MR. CHESBRO.

5 MEMBER CHESBRO: LET'S SEE. I HAVE,
6 AND I ASSUME OTHERS RECEIVED THEM TOO, A FAXED
7 LETTER THAT WAS RECEIVED FROM THE MAYOR OF
8 ARCATA, JIM TEST, REGARDING THE ITEM A, THE
9 HUMBOLDT COUNTY TRANSFER STATION PERMIT, AND A
10 NEW LETTER FROM JEFFREY KNAPP OF THE UNITED
11 NEIGHBORHOOD ALLIANCE OF HUMBOLDT COUNTY, WHICH
12 WAS ON THE SAME ITEM.

13 CHAIRMAN PENNINGTON: VERY GOOD.

14 THANK YOU.

15 MR. RHOADS?

16 MEMBER RHOADS: I HAVE THAT SAME
17 LETTER.

18 CHAIRMAN PENNINGTON: THANK YOU.

19 MEMBER EATON: AND MR. CHAIR, I JUST
20 RECEIVED THE LETTER FROM THE CITY OF ARCATA
21 FROM THE MAYOR, BUT NOT THE OTHER LETTER.

22 CHAIRMAN PENNINGTON: OKAY. VERY
23 GOOD.

24 I TOO HAVE THE LETTER FROM

25 MR. TEST, THE MAYOR OF ARCATA, AND THE LETTER

1 FROM JEFF KNAPP, UNITED NEIGHBORHOOD ALLIANCE
2 FOR HUMBOLDT COUNTY.
3 OKAY. AGAIN THERE ARE SPEAKER
4 FORMS IN THE BACK OF THE ROOM. IF ANYBODY
5 WISHES TO ADDRESS ANY ITEM ON THE AGENDA THIS
6 MORNING, PLEASE FILL ONE OUT AND GET IT TO
7 MS. KELLY, AND WE WILL MAKE SURE THAT YOU HAVE
8 AN OPPORTUNITY TO ADDRESS THE ISSUES.
9 WE ARE GOING TO TAKE UP THE ITEM
10 NO. 2, ACTUALLY, OR ITEM NO. 11, FIRST, WHICH
11 IS THE CONSIDERATION OF STAFF RECOMMENDATION TO
12 CHANGE THE BASE-YEAR TO 1995 FOR THE PREVIOUSLY
13 APPROVED SOURCE REDUCTION AND RECYCLING ELEMENT
14 FOR THE UNINCORPORATED AREA OF BUTTE COUNTY.
15 JUDY FRIEDMAN.

16 AGENDA ITEM NO. 11

17 MS. FRIEDMAN: GOOD MORNING, CHAIRMAN
18 PENNINGTON AND BOARD MEMBERS.
19 YASMIN SATTER WILL BE MAKING THE
20 PRESENTATION FOR STAFF.
21 MS. SATTER: GOOD MORNING,
22 MR. CHAIRMAN AND BOARD MEMBERS. MY NAME IS
23 YASMIN SATTER.
24 THE UNINCORPORATED AREA OF BUTTE
25 COUNTY HAS REQUESTED TO CHANGE ITS BASE-YEAR

1 FROM 1990 TO 1995. STAFF HAS DETERMINED THAT
2 THE REQUEST WAS ADEQUATELY DOCUMENTED. THE
3 BASE-YEAR CORRECTION IS SHOWN IN THE TABLE
4 PROVIDED IN THE AGENDA ITEM.
5 THE JURISDICTION BELIEVES THAT THE
6 BASE-YEAR GENERATION AMOUNT REPORTED IN THE
7 JURISDICTION'S SOURCE REDUCTION RECYCLING
8 ELEMENT WAS INACCURATE AND ITS INACCURACY WAS
9 THE END RESULT OF THREE FACTORS.
10 NUMBER ONE, THE ENTIRE BUTTE
11 COUNTY'S DISPOSAL TONNAGE WAS USED INSTEAD OF
12 JUST THE UNINCORPORATED AREAS.
13 TWO, DISPOSAL TONNAGE OF WOOD BASE
14 AND ASH FROM THE LOUISIANA-PACIFIC LANDFILL WAS
15 NOT INCLUDED IN THE JURISDICTION'S BASE-YEAR
16 GENERATION AMOUNT.
17 THREE, NO SCALES WERE AVAILABLE IN
18 1990, AND THE CONVERSION FROM VOLUME TO WEIGHT
19 HAD RESULTED IN AN BASE-YEAR GENERATION AMOUNT.
20 NOW THE COUNTY HAS INSTALLED SCALES AT THE NEAL
21 ROAD LANDFILL; THEREFORE, THE 1995 DISPOSAL
22 TONNAGE IS BELIEVED TO BE MORE ACCURATE.
23 USING THE UPDATED 1995 GENERATION
24 AMOUNT, STAFF HAS CALCULATED JURISDICTION'S
25 DIVERSION RATE TO BE APPROXIMATELY 16.4

1 PERCENT.

2 USING THE 1995 AS A BASE-YEAR AND

3 APPLYING THE ADJUSTMENT FACTORS, THE

4 JURISDICTION'S 1996 DIVERSION RATE IS 28

5 PERCENT.

6 THIS CONCLUDES MY PRESENTATION.

7 WILL BE HAPPY TO ANSWER ANY QUESTIONS, AND ALSO

8 MR. DEWEESE FROM BUTTE COUNTY IS IN THE

9 AUDIENCE TO ANSWER ANY QUESTIONS.

10 CHAIRMAN PENNINGTON: VERY GOOD.

11 ANY QUESTIONS OF STAFF?

12 OKAY. IF NOT, I'LL ENTERTAIN A

13 MOTION.

14 MEMBER JONES: MR. CHAIRMAN?

15 CHAIRMAN PENNINGTON: MR. JONES.

16 MEMBER JONES: I WILL MAKE A MOTION TO

17 ADOPT RESOLUTION 98-379.

18 MEMBER EATON: I'LL SECOND THAT

19 MOTION.

20 MEMBER JONES: MR. CHAIRMAN?

21 CHAIRMAN PENNINGTON: YES.

22 MEMBER JONES: JUST A BRIEF COMMENT.

23 I THINK THAT THE ARTIFICIALLY HIGH NUMBER WOULD

24 HAVE ALLOWED BUTTE COUNTY TO PROBABLY GO

25 WITHOUT DOING PROGRAMS, AND I THINK IT'S PRETTY

1 COMMENDABLE THAT THE COUNTY STAFF SAW THAT THE
2 NUMBER WAS WRONG, THEY ARE NOT GOING TO HAVE
3 THE DIVERSION THEY NEED, AND THEY ARE GOING TO
4 HAVE TO DO PROGRAMS.

5 IT'S KIND OF IRONIC, BECAUSE IT
6 WAS THE SAME ISSUE WE DEALT WITH YESTERDAY AT
7 TULARE AS TO WERE THEY GOING TO BE ABLE TO DO
8 PROGRAMS, SO I'M GLAD TO MAKE THIS MOTION. I
9 THINK IT'S PROBABLY THE RIGHT THING TO DO AND
10 THE WAY THAT THIS LAW SHOULD BE LOOKED AT.
11 THANKS FOR INDULGING ME.

12 CHAIRMAN PENNINGTON: VERY GOOD.
13 OKAY. IT'S BEEN MOVED BY
14 MR. JONES, SECONDED BY MR. EATON, THE ADOPTION
15 OF RESOLUTION 98-379.
16 IF THERE ARE NO FURTHER QUESTIONS,
17 WILL THE SECRETARY CALL THE ROLL.

18 THE SECRETARY: BOARD MEMBER CHESBRO?

19 MEMBER CHESBRO: AYE.

20 THE SECRETARY: EATON?

21 MEMBER EATON: AYE.

22 THE SECRETARY: JONES?

23 MEMBER JONES: AYE.

24 THE SECRETARY: RHOADS?

25 MEMBER RHOADS: AYE.

1 THE SECRETARY: CHAIRMAN PENNINGTON?

2 CHAIRMAN PENNINGTON: AYE.

3 MOTION CARRIES.

4 WE WILL NOW MOVE TO A CLOSED

5 SESSION TO TALK ABOUT LITIGATION AND PERSONNEL

6 MATTERS.

7 MEMBER CHESBRO: MR. CHAIRMAN?

8 CHAIRMAN PENNINGTON: YES.

9 MEMBER CHESBRO: I DON'T KNOW IF THIS

10 WOULD BE REVEALING ANY OF THE CONTENT OF THE

11 CLOSED SESSION. I'M JUMPING AHEAD AND

12 PRESUMING WHAT IT IS, SO I'M GOING TO MAKE AN

13 ANNOUNCEMENT, IF I MAY.

14 CHAIRMAN PENNINGTON: YES. GO AHEAD,

15 MR. CHESBRO.

16 MEMBER CHESBRO: SINCE I PROBABLY

17 WON'T BE ABLE TO PARTICIPATE IN THE CLOSED

18 SESSION.

19 CHAIRMAN PENNINGTON: OKAY.

20 MEMBER CHESBRO: I HAVE BEEN INFORMED

21 THAT IT WOULD BE A GOOD IDEA TO RECUSE MYSELF

22 FROM VOTING OR PARTICIPATING IN THE BOARD'S

23 ACTION ON THE NEXT ITEM REGARDING THE HUMBOLDT

24 COUNTY PERMIT.

25 I WAS RECENTLY INFORMED THAT THE

1 MERE FACT THAT MY HOME IN ARCATA IS CLOSE TO
2 THE PROPOSED PROJECT CREATES A LEGAL
3 PRESUMPTION OF A CONFLICT.
4 CALIFORNIA LAW PROHIBITS APPOINTED
5 OR ELECTED OFFICIALS FROM PARTICIPATING IN
6 ACTIONS IN WHICH THEY MAY HAVE A CONFLICT OF
7 INTEREST, AND UNFORTUNATELY THE LAW ASSUMES
8 THAT BECAUSE MY HOME IS LOCATED WITHIN 2500
9 FEET OF THE PROPOSED TRANSFER FACILITY, IT'S
10 REALLY NOT A GOOD IDEA FOR ME TO PARTICIPATE IN
11 THIS ITEM.
12 ACCORDING TO OUR ATTORNEY, THE
13 FAIR POLITICAL PRACTICES COMMISSION REGULATIONS
14 ARE QUITE SPECIFIC TO INCLUDE REAL PROPERTY
15 THAT IS WITHIN 2500 FEET OF A PROPOSED PROJECT.
16 AND SO AS DIFFICULT AS IT IS FOR
17 ME, WITH THIS FACILITY BEING IN MY OWN
18 NEIGHBORHOOD, FACED WITH THIS LEGAL REQUIREMENT
19 I WILL BE RECUSING MYSELF AND NOT PARTICIPATING
20 IN CONSIDERATION OF THIS MATTER IN ORDER TO
21 AVOID THE POSSIBILITY OF A CONFLICT OF
22 INTEREST.

23 CHAIRMAN PENNINGTON: THANK YOU,
24 MR. CHESBRO, AND WE APPRECIATE THE POSITION YOU
25 ARE IN, AND I KNOW MY COLLEAGUES AGREE THAT WE

1 WILL MISS YOUR COUNSEL, BUT AGREE THAT YOU ARE
2 PROBABLY CORRECT.

3 MEMBER CHESBRO: I'M SURE THE LAWYER
4 WILL CRINGE WHEN I START TO TALK AGAIN, BUT
5 IT'S VERY ODD TO SPEND EIGHT AND A HALF YEARS
6 MAKING DECISIONS ON THESE THINGS. I MEAN THIS
7 IS I GUESS WHY YOU HAVE A CONFLICT OF INTEREST
8 LAW. BUT SUDDENLY IT'S ONE THAT REALLY DOES
9 AFFECT ONE'S WELL-BEING, AND YOU CAN'T DO
10 ANYTHING ABOUT IT.

11 SO MAKE A REALLY WISE DECISION,
12 OKAY?

13 CHAIRMAN PENNINGTON: AS WE ALWAYS DO.
14 [RECESS.]

15 CHAIRMAN PENNINGTON: OKAY. LET'S
16 COME TO ORDER HERE AND WE WILL MOVE ON.
17 I HAVE ONE LETTER FROM MICHAEL
18 MACHI FROM ARCATA THAT WE JUST RECEIVED, AND
19 IT'S TO ME AND ALL THE BOARD MEMBERS, SO I
20 WOULD LIKE TO EX PARTE THAT.
21 OKAY. WE ARE GOING TO MOVE NOW TO
22 ITEM A, PREVIOUS BUSINESS, CONTINUING BUSINESS,
23 SOME KIND OF BUSINESS, I WON'T TELL YOU WHAT I
24 REALLY THINK IT IS, RECONSIDERATION OF APPROVAL
25 OF A NEW SOLID WASTE FACILITY PERMIT FOR THE

1 HUMBOLDT COUNTY WASTE MANAGEMENT AUTHORITY'S
2 TEMPORARY TRANSFER STATION IN HUMBOLDT COUNTY.
3 WE WILL START WITH JULIE NAUMAN.

4 AGENDA ITEM A

5 MS. TOBIAS: I'M NOT SURE WE WERE
6 ANTICIPATING A STAFF PRESENTATION BUT MORE THE
7 PRESENTATION BY THE PARTIES ON THE ISSUE.

8 CHAIRMAN PENNINGTON: OKAY. THAT'S
9 FINE. WE WILL GO RIGHT INTO PUBLIC COMMENTS,
10 AND WE WILL START WITH AARON ISHERWOOD.

11 MS. TOBIAS: MR. CHAIR, CAN I TALK TO
12 COUNSEL FOR JUST A SECOND? I WANT TO CLARIFY
13 SOMETHING BEFORE WE START THE PRESENTATION.

14 CHAIRMAN PENNINGTON: OKAY. AARON
15 ISHERWOOD.

16 MR. ISHERWOOD: GOOD MORNING,
17 MR. CHAIRMAN, MEMBERS OF THE BOARD. MY NAME IS
18 AARON ISHERWOOD, AND I'M WITH SHUTE, MIHALY AND
19 WEINBERGER, A LAW FIRM THAT REPRESENTS THE
20 UNITED NEIGHBORHOOD ALLIANCE OF HUMBOLDT
21 COUNTY.

22 THE FIRST THING I WANT TO SAY, AS
23 I IMAGINE MR. MACHI EXPRESSED IN HIS LETTER,
24 AND I HAVEN'T REVIEWED THAT, BUT MR. MACHI AND
25 THE OTHER MEMBERS OF THE ARCATA CITIZENS GROUP

1 ARE SORRY THAT THEY CAN'T BE HERE TODAY. THEY
2 CERTAINLY DON'T WANT YOU TO THINK THAT THEY ARE
3 ANY LESS CONCERNED ABOUT THIS PROJECT THAN THEY
4 ALWAYS HAVE BEEN.

5 I HAVE WITH ME TODAY DR. PETER
6 RUSSELL, WHO HAS REVIEWED THE SOIL REPORTS THAT
7 WE HAVE ABOUT CONTAMINATION AT THE SITE, AND I
8 WILL MAKE MY COMMENTS VERY BRIEF, AND THEN I
9 WOULD LIKE TO INTRODUCE HIM.

10 BUT I ANTICIPATE THAT SOME
11 COMMENTS MAY BE MADE BY THE PROPONENTS OF THE
12 PROJECT, AND I WOULD JUST LIKE TO SAY A COUPLE
13 OF THINGS. I AM ANTICIPATING SOME COMMENTS
14 THAT THEY MAY MAKE.

15 FIRST OF ALL, I WOULD LIKE THE
16 BOARD TO UNDERSTAND THAT THIS IS NOT A
17 LAST-MINUTE ATTEMPT TO CONFUSE THE ISSUES ON
18 OUR PART.

19 I THINK THERE WERE SOME COMMENTS
20 MADE AT THE CITY COUNCIL MEETING LAST NIGHT
21 THAT WE ARE JUST THROWING THIS STUFF OUT THERE
22 AT THE LAST MINUTE TO TRY AND CONFUSE EVERYONE,
23 AND THAT'S SIMPLY NOT THE CASE.

24 WE HAVE BEEN WORKING VERY
25 DILIGENTLY TO GET THESE SOIL REPORTS. THE

1 PROJECT PROPONENTS HAVE NOT BEEN VERY
2 FORTHCOMING IN PROVIDING THIS INFORMATION TO
3 US. WE HAVE ULTIMATELY RECEIVED THE REPORTS,
4 AND AT THE EARLIEST POSSIBLE OPPORTUNITY THE
5 ALLIANCE RETAINED DR. RUSSELL TO REVIEW THESE
6 REPORTS, AND HE TURNED HIS REPORT AROUND AS
7 QUICKLY AS POSSIBLE.

8 AND I WOULD LIKE TO ASK, I ASSUME
9 ALL THE MEMBERS OF THE BOARD HAVE RECEIVED THE
10 LETTER FROM DR. RUSSELL TO RACHEL HOOPER?

11 CHAIRMAN PENNINGTON: FROM DR. RUSSELL
12 TO --

13 MR. ISHERWOOD: WE FAXED THAT LAST
14 THAT NIGHT.

15 CHAIRMAN PENNINGTON: OKAY. YES, I'M
16 SURE WE ALL HAVE IT. I'M NOT SURE WE HAVE ALL
17 HAD AN OPPORTUNITY TO DIGEST IT.

18 MR. ISHERWOOD: WELL, DR. RUSSELL WILL
19 BE EXPLAINING HIS CONCLUSIONS THAT ARE SET
20 FORTH IN THAT LETTER AFTER I SPEAK AND CAN
21 CERTAINLY ANSWER ANY QUESTIONS THAT YOU MAY
22 HAVE.

23 YOU KNOW, WE STILL DON'T HAVE ALL
24 THE INFORMATION THAT WE NEED, I THINK, TO
25 REALLY UNDERSTAND THE FULL EXTENT OF THE

1 CONTAMINATION OUT THERE OUT AT THE PROJECT
2 SITE. WE HAVE HEARD ABOUT A PHASE I AND PHASE
3 II ASSESSMENT ON A PORTION OF THE PROJECT SITE,
4 AND YET WE HAVE NOT BEEN ABLE TO OBTAIN THAT.
5 THERE IS ALSO A REFERENCE IN A
6 LEASE AGREEMENT BETWEEN THE AUTHORITY AND THE
7 OWNER OF THE PARCEL, I BELIEVE, WHICH
8 REFERENCES AN EXHIBIT THAT HAS MORE INFORMATION
9 ABOUT -- APPARENTLY ABOUT SOIL CONTAMINATION
10 OUT THERE, BUT WE HAVE NOT BEEN ABLE TO OBTAIN
11 AS OF YET THAT EXHIBIT.
12 WHAT WE DO HAVE IS A COUPLE OF LAB
13 ANALYSES THAT HAVE BEEN DONE OF SOIL THAT WAS
14 EXCAVATED BY THE SITE, AND DR. RUSSELL WILL BE
15 TALKING ABOUT THAT.
16 ANOTHER COMMENT THAT I ANTICIPATE
17 THAT MAY BE MADE AND THAT CERTAINLY WAS MADE AT
18 THE LAST MEETING IS THAT THE JUDGE WHO IS
19 PRESIDING OVER THE LITIGATION IS SOMEHOW NOT
20 INTERESTED IN THIS ISSUE OF SOIL CONTAMINATION.
21 THAT IS SIMPLY NOT THE CASE. I
22 WANT TO MAKE IT CLEAR THAT MY OFFICE PREPARED
23 THE STAY APPLICATION PAPERS THAT WERE FILED
24 WITH JUDGE ROBIE [PH.] AND THAT WE DID NOT
25 BRIEF THE ISSUE AS SOIL CONTAMINATION.

1 AND THE REASON FOR THAT IS QUITE
2 SIMPLE. WE DIDN'T HAVE THE SOIL REPORTS AT
3 THAT TIME. WE HADN'T RETAINED DR. RUSSELL. WE
4 DIDN'T KNOW WHAT OUR ARGUMENT WAS GOING TO BE.
5 SO THE JUDGE HAS IN NO WAY MADE ANY SORT OF
6 RULING WITH RESPECT TO THAT ISSUE.
7 WITH THOSE TWO PRELIMINARY
8 COMMENTS, I WOULD LIKE TO TURN THE MICROPHONE
9 OVER NOW TO DR. PETER RUSSELL, WHO IS AN EXPERT
10 IN THE FIELD OF ENVIRONMENTAL ASSESSMENT, TO
11 TALK ABOUT THE SOIL CONTAMINATION PROBLEM.

12 CHAIRMAN PENNINGTON: VERY GOOD.
13 DR. RUSSELL.

14 DR. RUSSELL: GOOD MORNING, CHAIRMAN
15 PENNINGTON, MEMBERS OF THE BOARD. MY NAME IS
16 DR. PETER RUSSELL. I AM AN ENVIRONMENTAL
17 ENGINEER. I AM A REGISTERED CIVIL ENGINEER IN
18 CALIFORNIA, AND I HAVE BEEN PRACTICING
19 ENVIRONMENTAL ENGINEERING FOR OVER 20 YEARS
20 NOW.
21 I AM HERE TODAY TO PRESENT THE
22 RESULTS OF MY REVIEW OF THE AVAILABLE
23 INFORMATION ON BEHALF OF THE UNITED
24 NEIGHBORHOOD ALLIANCE OF HUMBOLDT COUNTY.
25 IF YOU DON'T HAVE COPIES OF MY

1 LETTER, I HAVE ADDITIONAL COPIES WITH ME, WHICH
2 I WOULD BE GLAD TO PROVIDE TO YOU.

3 CHAIRMAN PENNINGTON: I DON'T KNOW
4 WHETHER ANYBODY -- I DON'T HAVE IT, BUT MARLENE
5 HAS GONE UP UPSTAIRS TO GET THEM.

6 DR. RUSSELL: OKAY. IF YOU WANT THEM
7 TO LOOK ALONG AS I SPEAK --

8 MEMBER RHOADS: IT WOULD BE NICE TO
9 GIVE THE CHAIRMAN ONE.

10 MS. TOBIAS: THE LETTER WAS FAXED IN
11 LAST NIGHT AT 6:45, AND I THINK IT WAS
12 DELIVERED TO YOUR OFFICES, BUT I THINK IT'S
13 UNDERSTANDABLE IF IT DIDN'T QUITE GET DOWN HERE
14 WITH YOU.

15 I JUST WANT TO POINT OUT THAT MOST
16 OF THE BOARD DID NOT EX PARTE THAT LETTER,
17 BECAUSE THEY WEREN'T REALLY AWARE IT WAS IN THE
18 PACKET, AND I THINK AT THIS POINT, BECAUSE THE
19 AUTHOR OF THE LETTER AND THE CONSULTANT IS
20 INTRODUCED AND THAT IS THE EVIDENCE INTO THE
21 RECORD THAT IT'S NOT NECESSARY THAT YOU EX
22 PARTE IT.

23 CHAIRMAN PENNINGTON: OKAY. GREAT.
24 THANK YOU.

25 DR. RUSSELL: I JUST THOUGHT IT WOULD

1 BE HELPFUL FOR YOU TO HAVE IT BEFORE YOU AS I
2 SPEAK, BECAUSE OCCASIONALLY THERE WILL BE
3 NUMBERS THAT YOU NEEDN'T WRITE DOWN BECAUSE
4 THEY ARE IN THE LETTER.

5 CHAIRMAN PENNINGTON: EXCUSE ME, JUST
6 SO WE'RE CLEAR. IT ACTUALLY CAME ATTACHED TO A
7 LETTER FROM JEFF NAPP, OR AT LEAST WE GOT IT
8 THAT WAY. BUT WE ARE FINE. OKAY. GO AHEAD.

9 DR. RUSSELL: THERE WAS A FAIR AMOUNT
10 OF TECHNICAL INFORMATION FOR ME TO REVIEW, BUT
11 I THINK THE BOTTOM LINE OF MY REVIEW DOESN'T
12 REQUIRE ANY TECHNICAL UNDERSTANDING TO
13 APPRECIATE.
14 THE SITE OF THIS PROPOSED WASTE
15 TRANSFER STATION HAS HAD A HISTORY OF
16 INDUSTRIAL USE SINCE THE BEGINNING OF THE
17 CENTURY. THAT FACT ALONE SHOULD HAVE INDICATED
18 THAT THERE WAS SOME PROBABILITY THAT CHEMICAL
19 RESIDUES FROM THE INDUSTRIAL USE EXIST.
20 AFTER THAT THERE WAS INCIDENTAL
21 ANALYSIS OF WASTE SOIL THAT WAS GENERATED BY
22 THE EARLY STAGES OF THE DEVELOPMENT THAT WAS
23 ANALYZED AND THAT SHOWED THAT CHEMICAL RESIDUES
24 DO IN FACT EXIST.
25 THIS IS NOT TO BE CONFUSED WITH AN

1 ENVIRONMENTAL INVESTIGATION. THIS IS SIMPLY
2 PROFILING A WASTE FOR PURPOSES OF DISPOSAL.
3 SO WE HAVE TWO INDICATIONS RIGHT THERE THAT
4 THERE IS SOME DEGREE OF CONTAMINATION ON THIS
5 PROPERTY.
6 THE FACT IS THAT AS WE SIT HERE
7 TODAY THERE HAS BEEN NO PLANNED ENVIRONMENTAL
8 INVESTIGATION OF THE SOIL OR THE GROUNDWATER AT
9 THIS SITE TO UNDERSTAND WHETHER OR NOT WE ARE
10 SIMPLY SEEING THE TIP OF THE ICEBERG OR WHETHER
11 WE JUST THROUGH SOME COINCIDENCE HAPPEN TO HAVE
12 EXCAVATED THE ONLY HOT SPOT THAT THERE IS ON
13 THIS PROPERTY, AND I THINK THAT THE INFORMATION
14 THAT AN ENVIRONMENTAL INFORMATION WOULD UNCOVER
15 IS ESSENTIAL INFORMATION TO DECIDE WHETHER OR
16 NOT BUILDING THIS PROJECT NOW IS WISE FOR FOUR
17 REASONS.
18 ONE IS IF IT TURNS OUT THAT THE
19 CONTAMINATION IS WORSE THAN HAS BEEN DISCOVERED
20 ALREADY THROUGH THE LIMITED CHEMICAL
21 ANALYSIS — THERE HAVE BEEN VERY FEW SAMPLES,
22 AND THERE WERE VERY FEW THINGS THAT WERE
23 ANALYZED FOR -- THEN THE CONSTRUCTION WORKERS
24 AND POSSIBLY THE USERS OF THE SITE MAY BE AT
25 RISK.

1 SECONDLY, IF THERE IS
2 CONTAMINATION ON THE SITE THAT WE ARE NOT AWARE
3 OF, THEN THE DEVELOPMENT AT THIS STAGE DOES
4 HAVE THE POTENTIAL FOR DISTRIBUTING THE
5 CONTAMINATION AROUND UNKNOWINGLY, SO YOU NEED
6 TO KNOW THE CONTAMINANT STATUS TO AVOID DOING
7 THAT.

8 THIRDLY, IF AN ENVIRONMENTAL
9 INVESTIGATION IS TO OCCUR, THE PRESENCE OF AN
10 ONGOING OPERATION IN THE DEVELOPMENT OF A
11 TRANSFER STATION IS GOING TO MAKE IT MUCH MORE
12 DIFFICULT TO UNDERSTAND THE CONTAMINANT STATUS
13 AND THEREBY ARRIVE AT A REMEDIATION IF A
14 REMEDIATION IS NEEDED.

15 AND THEN FINALLY, IF A REMEDIATION
16 IS NEEDED AND THERE IS A TRANSFER STATION THERE
17 AND AN ONGOING OPERATION, THEN YOU HAVE BUILT
18 IN LIMITATIONS AS TO THE CLEANUP OPTIONS THAT
19 YOU MIGHT WANT TO TAKE ADVANTAGE OF.

20 THE FACT THAT THE INDUSTRIAL
21 HISTORY OF THIS SITE SHOULD HAVE TRIGGERED AN
22 ENVIRONMENTAL INVESTIGATION SEEMS TO HAVE BEEN
23 KNOWN EVEN TO MR. KINDSFATHER, THE GENERAL
24 MANAGER OF THE AUTHORITY, BECAUSE HE SAID IN A
25 LETTER TO THIS BOARD THAT IN EFFECT THE

1 EXISTENCE OF SOME CHEMICAL CONTAMINATION ON
2 THIS PROPERTY WOULD NOT BE SURPRISING TO HIM,
3 THAT IT WAS ONLY ONCE HIS WASTE SOIL WAS
4 REFUSED BY A LANDFILL BECAUSE IT LOOKED OILY
5 AND IT SMELLED OILY THAT HE BOTHERED TO HAVE
6 ANY SAMPLES TAKEN WHATSOEVER.
7 THAT'S THE MAIN RESULT OF MY
8 INVESTIGATION, AND THAT'S WHAT IS REALLY NOT A
9 TECHNICAL ISSUE AT ALL. AND IN MY LETTER I
10 HAVE A FEW POINTS THAT SUPPORT THAT THAT I
11 WOULD LIKE TO GO OVER VERY QUICKLY, IF I COULD,
12 PLEASE.

13 CHAIRMAN PENNINGTON: CERTAINLY.

14 DR. RUSSELL: THE PRIMARY INDUSTRIAL
15 ACTIVITY THAT WENT ON AT THE FACILITY, OF WHICH
16 THIS SITE IS A PART, WAS WOOD MANUFACTURING.
17 IT INCLUDED, BEGINNING WITH BARREL
18 MANUFACTURING AND THEN VARIOUS WOOD CONTAINERS,
19 RECREATIONAL, HOUSING PARTS, DRAWER SIDES, GLUE
20 LAMINATED BEAMS, AND A LARGE NUMBER OF
21 PRODUCTS.

22 THE MANUFACTURE OF THESE PRODUCTS
23 IS ASSOCIATED WITH A NUMBER OF CHEMICALS THAT
24 ARE OF ENVIRONMENTAL CONCERN. FIRST YOU HAVE
25 PETROLEUM PRODUCTS, WHICH WE HAVE ALREADY FOUND

1 THERE, WHICH COULD BE FROM FUELS OR THEY COULD
2 BE USED AS LUBRICANTS OR AS SOLVENTS, PAINTS,
3 AND ALONG WITH THAT GOES PAINT THINNERS,
4 STRIPPERS, AND SOLVENTS.
5 EARLY ON THE WOOD CONTAINER
6 MANUFACTURING OPERATION USED INKS SO THAT THEY
7 COULD PUT LABELS ON THEIR PRODUCTS, AND SO YOU
8 HAVE INKS AND THE ASSOCIATED SOLVENTS, AND THEN
9 YOU HAD THE GLUE-LAM BEAMS, THE LAMINATED
10 WOODEN BEAMS THAT USE A LOT OF GLUE AND ITS
11 SOLVENTS.
12 AND THEN ON TOP OF ALL OF THIS, AS
13 WAS VERY COMMON HISTORICALLY, PARTICULARLY IN
14 INDUSTRIAL AREAS BUT IN OTHER AREAS, WHERE YOU
15 HAVE UNPAVED AREAS WITH DUST PROBLEMS,
16 PETROLEUM WAS APPLIED, USUALLY IN THE FORM OF
17 WASTE OIL, TO KEEP THE DUST DOWN.
18 AND WASTE OIL IS ASSOCIATED ITSELF
19 WITH A LARGE NUMBER OF CHEMICALS, EITHER FROM
20 THE CRANK CASE, THAT IT PICKS UP IN A CRANK
21 CASE IN AN INTERNAL COMBUSTION ENGINE, SUCH AS
22 VARIOUS METALS AND GASOLINE COMPONENTS, BUT
23 ALSO IT'S VERY COMMON AT GAS STATIONS WHERE THE
24 WASTE OIL WAS COLLECTED FOR OTHER TYPES OF
25 THINGS THAT ARE OILY IN NATURE TO BE DUMPED IN

1 WITH THE WASTE OIL JUST SORT OF AS A WAY OF
2 GETTING RID OF THEM EASILY.
3 AND THAT WOULD INCLUDE VARIOUS
4 SOLVENTS THAT ARE USED IN AUTOMOBILE
5 MAINTENANCE, OILS FROM TRANSFORMERS AND
6 CAPACITORS THAT MIGHT CONTAIN PCB'S, AND A
7 VARIETY OF OTHER COMPOUNDS, ALSO INCLUDING
8 PRESERVATIVES THAT WOULD BE USED IN WOOD
9 TREATMENT.
10 THERE IS ANOTHER PART OF THE
11 FACILITY THAT IS NOT ON THE PARCEL, WHICH AS IT
12 IS NOW DEFINED, THAT HAS A KNOWN PROBLEM FROM
13 WOOD MANUFACTURING, AND THAT INVOLVES
14 PRESERVATIVES. PCP AND TCP AND DIOXIN HAVE ALL
15 BEEN MEASURED IN THE SOIL, AND PCP AND TCP HAVE
16 BEEN FOUND IN THE GROUNDWATER.
17 THAT IS NOT ON THE FOOTPRINT OF
18 THIS TRANSFER STATION, BUT AT THE TIME THE
19 CHEMICALS WERE BEING HANDLED, THIS WAS ALL PART
20 OF THE SAME OPERATION.
21 AND YOU MAY SAY THAT, WELL, THE
22 PCP AND TCP WERE BEING MANAGED OVER AT THE DIP
23 TANK OR THE SPRAY BOOTH WHERE IT WAS BEING
24 APPLIED, BUT IN USING THESE WOOD PRESERVATIVES
25 THERE ARE WASTES THAT ARE ASSOCIATED WITH IT.

1 THERE ARE CLEANUP WASTES, THERE
2 ARE DIP TANK SLUDGES FROM THE BOTTOM. THESE
3 ARE NORMALLY NOT SPREAD AROUND THE FRONT YARD
4 OF THE OPERATION, BUT INSTEAD THEY ARE PUT OUT
5 ON THE BACK 40, WHICH I UNDERSTAND IS CLOSER TO
6 THE STATUS OF THIS PARCEL. IT WAS, AT LEAST TO
7 MY KNOWLEDGE, A STORAGE AREA, AND THERE HAS
8 BEEN NEXT TO NO SAMPLING FOR THESE TYPES OF
9 SUBSTANCES.

10 THE SAMPLING THAT WE DO KNOW IS OF
11 THIS WASTE SOIL THAT WAS TO BE DISPOSED OF, AND
12 IT FOUND OIL PREDOMINANTLY AND DIESEL.

13 THE CONCENTRATIONS THAT WE FOUND
14 ARE IN AND OF THEMSELVES, WITHOUT THINKING
15 ABOUT IT, NOT PARTICULARLY HIGH. IF THEY HAD
16 BEEN DETECTED IN SOIL UNDERNEATH A FUEL TANK
17 THAT WAS BEING REMOVED IN THE STATE OF
18 CALIFORNIA OR AT LEAST IN THE REGIONAL BOARDS
19 IN THIS AREA, THEY WOULD CERTAINLY HAVE
20 TRIGGERED AN INVESTIGATION.

21 BUT THOSE NUMBERS BY THEMSELVES
22 DON'T REALLY STATE THE ISSUE. ASIDE FROM THE
23 FACT THAT IT WAS -- THAT THEY DON'T RESULT FROM
24 AN ENVIRONMENTAL INVESTIGATION, BUT RATHER THEY
25 ARE CHARACTERIZING A WASTE THAT WAS COLLECTED

1 INCIDENTALLY, THEY ARE MEASUREMENTS ON
2 COMPOSITE SAMPLES.
3 COMPOSITE SAMPLES ARE SAMPLES THAT
4 ARE CREATED IN AN EFFORT TO MINIMIZE LABORATORY
5 COSTS, AND THE WAY YOU DO COMPOSITING IS TO
6 COLLECT, IN THIS INSTANCE, SIX SAMPLES. YOU
7 PHYSICALLY MIX THEM INTO ONE SAMPLE, AND THEN
8 YOU MEASURE THE ONE SAMPLE, RATHER THAN
9 MEASURING THE SIX INDIVIDUAL SAMPLES WHICH CAME
10 FROM DIFFERENT LOCATIONS, SO THAT YOU WOULD
11 UNDERSTAND THE RANGE OF CONCENTRATIONS.
12 THE PROBLEM WITH COMPOSITING IS
13 THAT WHILE IT MAY GIVE YOU A MEASURE OF THE
14 OVERALL STATUS, WHERE YOU ARE INTERESTED IN
15 UNDERSTANDING HOW BAD IT MIGHT BE OR WHETHER
16 THERE ARE HOT SPOTS THAT ARGUABLY WOULD BE
17 MASKED, YOU DON'T HAVE ANY INFORMATION ABOUT IT
18 AT ALL.
19 FOR MOTOR OIL THE HIGHEST
20 MEASUREMENT WAS ABOUT 700 PARTS PER MILLION OF
21 OIL IN THE COMPOSITE. THAT MEANS THAT ALL SIX
22 SAMPLES HAD 700 PARTS PER MILLION IN THEM, OR
23 IT COULD MEAN THAT FIVE OF THE SAMPLES WERE
24 CLEAN AND ONE SAMPLE HAD ABOUT 4300 PARTS PER
25 MILLION OF OIL IN THEM, BUT BECAUSE OF THE

1 MIXING OF SIX INTO ONE, YOU DON'T KNOW THAT.
2 THIS IS NOT NORMALLY DONE EXCEPT
3 AS A SCREENING STEP IN AN INVESTIGATION, AND
4 ONCE YOU FIND THAT THE COMPOSITE SAMPLE IS AS
5 HIGH AS IT IS, YOU SAY, WELL, WE NEED TO LOOK
6 FURTHER, FURTHER INVESTIGATION.
7 SECONDLY, THE SAMPLES THAT WERE
8 COLLECTED WERE OF STOCKPILED SOIL. THE PROCESS
9 OF EXCAVATING THE SOIL OUT OF THE GROUND,
10 PUTTING IT ONTO TRUCKS, HAULING IT AROUND A BIT
11 AND THEN PUTTING IT INTO A STOCKPILE MIXES IT
12 EVEN FURTHER. IT'S SORT OF AN EXTENSION OF THE
13 COMPOSITING TYPE ISSUE. IT'S OF VERY LIMITED
14 VALUE IN TERMS OF UNDERSTANDING THE CONTAMINANT
15 STATUS OF THE SITE. IT SIMPLY RAISES A RED
16 FLAG.
17 AND THEN FINALLY MANY OF THE
18 SUBSTANCES THAT WE ARE INTERESTED IN AND THAT
19 WERE MEASURED IN THIS STOCKPILED SOIL ARE
20 SUBSTANCES THAT EVAPORATE VERY READILY ONCE
21 THEY ARE EXPOSED TO AIR.
22 WHEN YOU DO AN ENVIRONMENTAL
23 INVESTIGATION OF A SITE, YOU GO TO RATHER
24 EXTREME MEASURES TO COLLECT THE SAMPLE FROM
25 UNDERGROUND BEFORE IT'S BEEN REMOVED FROM THE

1 GROUND, AND YOU TAKE MEASURES TO AVOID EXPOSING
2 IT TO THE AIR SO THAT THE STUFF YOU ARE TRYING
3 TO MEASURE DOESN'T EVAPORATE OFF BEFORE YOU GET
4 IT TO THE LAB TO MEASURE IT.

5 WELL, A LOT OF THE THINGS, A LOT
6 OF THE PETROLEUM SUBSTANCES THAT THEY FOUND THE
7 HEAVIER COMPONENTS OF, THEY DIDN'T FIND SO MUCH
8 OF THE LIGHT COMPONENTS, AND PART OF THE
9 EXPLANATION FOR THAT MAY BE THAT THE MIXING
10 AROUND THAT OCCURRED BEFORE IT GOT TO THE
11 LABORATORY MADE IT APPEAR THAT THERE WAS VERY
12 LITTLE THERE, WHEN IN FACT THERE MAY BE MORE
13 THERE.

14 I DON'T WANT TO LOSE SIGHT OF THE
15 FACT THAT THE ANALYSES THAT HAVE BEEN DONE WERE
16 RESTRICTED TO PETROLEUM RELATED CHEMICALS, AND
17 THERE WERE SOME ANALYSES OF METALS AS WELL.

18 THEY DID NOT ANALYZE FOR PAINT
19 RELATED SUBSTANCES. THERE WAS VERY LITTLE
20 ANALYSIS FOR JUST A FEW OF THE WOOD PRESERVING
21 TYPE COMPOUNDS. SUBSTANCES ASSOCIATED WITH THE
22 GLUE AND THE GLUE LAMINATION WERE ALSO NOT
23 ANALYZED FOR, AND IF THEY ARE THERE, THESE
24 WOULD ALL BE OF CONCERN IN THE INTERESTS OF
25 PROTECTING PUBLIC HEALTH AND THE ENVIRONMENT.

1 I ALSO MENTIONED BEFORE THAT THERE
2 HAS BEEN NO GROUNDWATER SAMPLING AT ALL, AND
3 THAT'S SIGNIFICANT HERE BECAUSE THE GROUNDWATER
4 IS VERY SHALLOW, AND IT MAY BE IN CLOSE CONTACT
5 WITH ANY CONTAMINATED SOIL. GROUNDWATER IN THE
6 ARCATA AREA IS USED AS A DOMESTIC WATER SUPPLY.
7 AND FINALLY THE SUBSTANCES THAT WE
8 ARE CONCERNED ABOUT HERE WOULD BE OBJECTIONABLE
9 IN DRINKING WATER AT VERY, VERY LOW
10 CONCENTRATIONS, AT TRACE LEVELS.
11 AGAIN THE FOUR POINTS OF WHY AN
12 INVESTIGATION IS IMPORTANT NOW RATHER THAN
13 LATER ON WHEN WE GET AROUND TO IT IS TO PROTECT
14 THE HEALTH OF THE BUILDERS AND THE USERS; TO
15 AVOID UNKNOWINGLY SPREADING AROUND THE
16 CONTAMINATION THAT IS THERE; TO HELP THE
17 INTERPRETATION OF THE RESULTS OF THE
18 ENVIRONMENTAL INVESTIGATION WHEN IT TAKES
19 PLACE; AND TO NOT LIMIT OUR CLEANUP OPTIONS FOR
20 THE CONTAMINATION THAT IS LIKELY TO STILL
21 REMAIN. I THINK IT'S EXTREMELY UNLIKELY THAT
22 ALL THE CONTAMINATION THAT IS THERE HAPPENED TO
23 HAVE BEEN INCIDENTALLY REMOVED BY DIGGING UP
24 UNDER THE FOOTPRINT OF THIS BUILDING.
25 AS TO WHETHER OR NOT AN

1 INVESTIGATION IS WARRANTED, THERE ARE THREE
2 REMARKS I WOULD LIKE TO MAKE THAT ARE A BIT
3 MORE OBJECTIVE THAN JUST MY OWN OPINION.
4 I HAD MENTIONED ONCE BEFORE THAT
5 THE CENTRAL VALLEY, THE NORTH COAST, AND THE
6 SAN FRANCISCO REGIONAL WATER QUALITY CONTROL
7 BOARDS HAVE PUBLISHED WHAT'S COMMONLY CALLED
8 TRI-REGIONAL GUIDELINES FOR UNDERGROUND TANK
9 PULLS.
10 IF THE CONTAMINATION THAT HAS BEEN
11 FOUND HERE HAD BEEN DETECTED IN SAMPLES THAT
12 WERE COLLECTED FOLLOWING THOSE GUIDELINES, THEN
13 A FURTHER INVESTIGATION WOULD HAVE BEEN
14 REQUIRED. AND BY THE WAY, THOSE GUIDELINES
15 WOULD NOT ALLOW SAMPLE COMPOSITING.
16 SECONDLY, THE HUMBOLDT COUNTY OF
17 PUBLIC HEALTH RECOMMENDED TO THE AUTHORITY, AND
18 I WILL QUOTE IN THEIR LETTER OF OCTOBER 9TH,
19 "WE ALSO RECOMMEND THAT THE AUTHORITY CONSIDER
20 INVESTIGATION AND SAMPLING OF ANY ADDITIONAL
21 SOIL THAT MAY NEED TO BE TREATED AND DISPOSED."
22 THIS OF COURSE PRESUMES THAT ALL
23 OF THE SOIL THAT IS A THREAT TO THE ENVIRONMENT
24 AND WOULD NEED TO BE EITHER TREATED OR DISPOSED
25 WOULD BE DISCOVERED FIRST.

1 AND THEN I UNDERSTAND THAT THE
2 BOARD GOT A LETTER JUST TODAY FROM THE NORTH
3 COAST REGIONAL WATER QUALITY CONTROL BOARD THAT
4 IN EFFECT, AT THE END OF THE MAJOR PARAGRAPH,
5 AND IT SAYS THAT THEY ARE PLANNING ON PROVIDING
6 OVERSIGHT TO THE INVESTIGATION OF THE
7 ENVIRONMENT THERE AND THAT IF ANY CONTAMINATION
8 IS FOUND THAT NEEDS REMEDIATION, THEY WILL BE
9 PROVIDING THE OVERSIGHT FOR THAT AS WELL.
10 AS IT SITS RIGHT NOW, THERE ARE
11 TWO STOCKPILES OUT THERE OF SOIL THAT HAVE
12 PETROLEUM CONTAMINATION IN THEM. I THINK THERE
13 MAY WELL BE MORE ONCE THE INVESTIGATION HAS
14 BEEN DONE. AND I WANT TO MAKE THE POINT THAT
15 THESE 4700 CUBIC YARDS ARE GOING TO CONSTITUTE
16 ABOUT 300 TRUCKLOADS, EVEN IF NO MORE IS
17 UNCOVERED.
18 THE MANAGEMENT AND DISPOSAL OF
19 THIS SHOULD ONLY BE DONE ONCE THE APPROPRIATE
20 HEALTH AND SAFETY PLANS HAVE BEEN PREPARED,
21 TRANSPORTATION PLANS, CONTINGENCY PLANS, AND IT
22 GOES WITHOUT SAYING THAT THE DESTINATION FOR
23 THIS MATERIAL SHOULD ONLY BE TO A LANDFILL OR A
24 TREATMENT FACILITY THAT'S PERMITTED TO ACCEPT
25 IT.

1 IF I CAN LEAVE ONLY ONE MESSAGE
2 WITH YOU IT'S THAT THE TESTING THAT HAS BEEN
3 DONE SO FAR IS NOT AN ENVIRONMENTAL
4 INVESTIGATION. IT HAS RAISED A RED FLAG THAT
5 SHOWS THAT AN ENVIRONMENTAL INVESTIGATION IS
6 NEEDED, BUT IT IS SIMPLY PROFILING A LOAD OF
7 WASTE THAT WAS INCIDENTALY CREATED AND NOT
8 PART OF AN ENVIRONMENTAL INVESTIGATION, TO SEE
9 WHETHER OR NOT THAT WASTE CAN GO TO X LANDFILL
10 OR Y LANDFILL. AN ENVIRONMENTAL INVESTIGATION
11 IS NEEDED.
12 UNLESS THERE ARE ANY QUESTIONS,
13 THAT'S THE END OF MY REMARKS. TO PUT THEM IN A
14 BIT OF A LEGAL CONTEXT, I THINK MR. ISHERWOOD
15 WILL BE BACK UP HERE, BUT I WOULD BE HAPPY TO
16 ANSWER ANY QUESTIONS YOU MAY HAVE EITHER NOW OR
17 LATER.
18 THANK YOU.

19 CHAIRMAN PENNINGTON: QUESTIONS?
20 THANK YOU. I GUESS NOW WE GET -- DO YOU WANT
21 TO SPEAK AGAIN, MR. ISHERWOOD?

22 MR. ISHERWOOD: JUST A COUPLE WORDS.

23 CHAIRMAN PENNINGTON: OKAY.

24 MR. ISHERWOOD: THANK YOU. AGAIN

25 AARON ISHERWOOD.

1 WHAT'S THE POINT OF ALL THIS?

2 WELL, I THINK THERE ARE TWO POINTS TO BE MADE

3 ABOUT THIS.

4 FIRST OF ALL, THIS INVESTIGATION

5 OF THE SITE UNDER CEQA SHOULD HAVE OCCURRED

6 BEFORE THE SOLID WASTE FACILITY PERMIT WAS

7 ISSUED AND BEFORE THE CEQA DOCUMENT WAS

8 APPROVED.

9 AS IT STANDS NOW, WE HAVE GOT AN

10 INITIAL STUDY THAT SAYS THERE IS NO POTENTIAL

11 HEALTH HAZARDS AT THE SITE, AND THAT'S WHAT THE

12 PUBLIC WAS TOLD AND THAT'S WHAT THE

13 DECISION-MAKERS WERE TOLD. THE INVESTIGATION

14 SHOULD HAVE OCCURRED BEFOREHAND, AND IT DIDN'T.

15 THE SECOND POINT TO BE MADE IS

16 THAT THE PROJECT PROPONENTS HAVE KNOWN, AS

17 MR. KINDSFATHER'S LETTER ACKNOWLEDGES, THEY

18 HAVE KNOWN ALL ALONG THAT THERE COULD BE SOME

19 CONTAMINATION OUT THERE.

20 SO WHAT WE HAVE REALLY GOT HERE IS

21 A FAILURE TO DISCLOSE RELEVANT FACTS ABOUT THE

22 SITE. AND WHILE WE KNOW AND WE UNDERSTAND THAT

23 THE BOARD'S PRINCIPAL CONCERN AT THE LAST

24 MEETING WAS THE CITY'S FAILURE TO RATIFY THE

25 ADDENDUM -- NOW THE CITY HAS RATIFIED THE

1 ADDENDUM -- WE BELIEVE THAT THIS SOIL
2 CONTAMINATION ISSUE RAISES AN INDEPENDENT
3 GROUNDS TO CONTINUE THE PROCESS TOWARDS
4 TEMPORARILY SUSPENDING OR REVOKING THE SOLID
5 WASTE FACILITY PERMIT.
6 I WOULD URGE THE BOARD TO CONTINUE
7 THAT PROCESS UNTIL WE HAVE AN INVESTIGATION OF
8 THE SITE TO, AS DR. RUSSELL RECOMMENDS, TO
9 DETERMINE THE EXTENT OF THE CONTAMINATION OUT
10 THERE, AND THAT'S WHAT WE ARE REALLY ASKING YOU
11 TO DO. THANK YOU.

12 CHAIRMAN PENNINGTON: THANK YOU.
13 OKAY. NEXT IS LARRY SWEETSER.

14 DR. RUSSELL: EXCUSE ME. IF I COULD,
15 PLEASE, I NOTICED A FACTUAL TYPO IN MY
16 PRESENTATION THAT I WISH YOU WOULD CORRECT.
17 ON PAGE 3, LINE 3-D, IT MENTIONS A
18 CHEMICAL ETHYLBENZENE. IN FACT IT'S A TYPO.
19 IT SHOULD HAVE BEEN TOLUENE.
20 I DIDN'T WANT TO LEAVE THAT
21 UNCORRECTED. THANK YOU.

22 CHAIRMAN PENNINGTON: MR. SWEETSER.

23 MR. SWEETSER: GOOD MORNING, CHAIRMAN,
24 MEMBERS. MY NAME IS LARRY SWEETSER, DIRECTOR
25 OF REGULATORY AFFAIRS FOR NORCAL WASTE SYSTEMS.

1 I HOPE TO BE UP HERE SUMMARIZING
2 FOR THE LAST TIME. I KNOW THERE IS A LOT OF
3 CONFUSION. IN FACT I HAVE TO ADMIT I'M
4 CONFUSED A LOT OF TIMES ON WHERE THINGS ARE AND
5 WHAT THE LEVELS ARE, BUT NONETHELESS I WILL DO
6 WHAT I CAN TO SUMMARIZE HERE.
7 THERE HAS BEEN A LOT OF TALK ON
8 THE MERITS OF THE FACILITY, AND QUITE FRANKLY,
9 AS WE ALL HAVE SAID MANY TIMES, THE MERITS OF
10 HAVING THAT TRANSFER STATION IS A LOCAL ISSUE,
11 IT'S A LOCAL DEBATE. IT'S NOT HERE.
12 WHAT'S IN QUESTION IS THE PROCESS
13 AND APPROVAL OF THE PERMIT, AND THAT IS A WASTE
14 BOARD ISSUE, AND I'LL SPEAK TO THE RELEVANCE OF
15 HOW WE GOT THERE AND HOW THE SOIL IS RELEVANT.
16 AS YOU ALL KNOW, AND MOSTLY FOR
17 THE BENEFIT OF THE AUDIENCE, THE SOLID WASTE
18 FACILITY PERMIT PROCESS IS A VERY
19 STRAIGHTFORWARD, SIMPLE ONE. INFORMATION IS
20 PREPARED, IT'S SUBMITTED, AND WHEN IT'S
21 SUBMITTED TO THE WASTE BOARD IT'S DEEMED
22 COMPLETE, IT'S DEEMED APPROVED, IT'S DEEMED
23 CORRECT.
24 ALL THAT INFORMATION IS SUPPOSED
25 TO BE FACTUALLY CORRECT IN THAT DOCUMENT, AND

1 IT'S EVEN CERTIFIED BY THE OPERATOR OR THE
2 OWNER-OPERATOR OF THE FACILITY.
3 AND WE HAVE QUESTIONED THE
4 COMPLETENESS OF THOSE DOCUMENTS, PARTICULARLY
5 THE RSI IN THE PAST, AND THE BOARD HAS GONE
6 AHEAD AND APPROVED THAT SOLID WASTE FACILITY
7 PERMIT BASED UPON THE INFORMATION THAT'S BEEN
8 SUBMITTED.
9 AND WE APPRECIATE THE FACT THAT
10 THE WASTE BOARD HAS ATTEMPTED TO HELP THEM GET
11 THIS PERMIT. IN FACT I THINK IT'S SOME TWIST
12 OF FATE WE HAVE ACTUALLY HELPED THEM CLEAN UP
13 THE PROCESS AS WELL BY RAISING ISSUES THAT THEY
14 HAVE FIXED, AND THE WASTE BOARD HAS ESSENTIALLY
15 BENT OVER BACKWARDS TO PROVIDE THAT BENEFIT.
16 THEY HAVE DONE IT FOR OTHERS. THEY HAVE DONE
17 IT FOR US FROM TIME TO TIME. AND I THINK IT'S
18 A QUESTION OF HOW FAR YOU GO WITH THAT PROCESS.
19 THE POINT IS THOUGH THEY KNOW
20 BETTER OR THEY SHOULD HAVE KNOWN BETTER IN THIS
21 PROCESS, AND IT SHOULD HAVE BEEN DONE RIGHT.
22 THERE HAVE BEEN NUMEROUS
23 OPPORTUNITIES TO FIX THIS PROCESS. THERE HAVE
24 BEEN NUMEROUS OPPORTUNITIES TO APPROVE THE
25 ADDENDUMS AND OTHER DOCUMENTS. INSTEAD THEY

1 CHOSE TO PIECEMEAL THESE FIXES.
2 AND AS YOU KNOW, THE CITY OF
3 ARCATA RATIFIED BY A THREE-TWO VOTE. THEY
4 RATIFIED THE ADDENDUM AS PROPOSED AND REVISED
5 BY THE WASTE BOARD STAFF. BUT WE HAVE TO LOOK
6 AT WHAT WAS RATIFIED, AND THE FACT IS THAT THE
7 ORIGINAL MITIGATED NEGATIVE DEC WE HAVE OUT
8 THERE, THERE HAVE BEEN A NUMBER OF CHANGES,
9 ADDENDUMS TO THAT DOCUMENT. THOSE HAVE ALL
10 BEEN DEEMED ACCEPTABLE BASED UPON THE FACTS
11 THAT THEY WERE THERE.
12 THE KEY POINT IS WAY BACK, A LONG TIME
13 AGO, AND THAT'S WHERE WE STARTED, IS THAT THE
14 INITIAL STUDY STATED THAT THERE WERE NO
15 EXISTING SOURCES OF POTENTIAL HEALTH HAZARDS AT
16 THE SITE, AND WE BELIEVE THAT HAS BEEN
17 DEMONSTRATED REPEATEDLY NOT TO BE TRUE.
18 THERE IS QUESTIONS OVER THE
19 SIGNIFICANCE OF THE LEVELS AND THE FACT THAT
20 THE SOIL STOCKPILE IS NOW OVER HERE, WHERE IT
21 CAME FROM, WHAT THE LEVELS WERE AT DIFFERENT
22 PLACES.
23 AND THOSE LEVELS ARE ABOVE ACTUAL
24 LIMITS THAT WE HAVE TO LOOK AT. IN FACT I'VE
25 BEEN INVOLVED IN CONTAMINATION ISSUES AND TANK

1 ISSUES, AND ANYTHING OVER 100 PARTS PER MILLION
2 IS WHERE WE HAVE TO TAKE FURTHER ACTION, AND
3 WHAT WE HAVE HERE, AS WAS SAID EARLIER, IS A
4 RED FLAG TO GO BACK AND CONSIDER WHAT THE
5 IMPACT IS.
6 THOSE SOILS CAME FROM SOMEWHERE.
7 THEY CAME FROM THE SITE. THERE IS GOING TO BE
8 TALK, I'M SURE, ABOUT WHICH PARCEL THESE SOILS
9 CAME FROM. THE FACT IS THE CONSTRUCTION IS
10 GOING ON OVER MULTIPLE PARCELS, SO IT CAME FROM
11 SOMEWHERE WITHIN THE CONFINES OF THIS PROJECT,
12 AND SO THAT SHOULD BE SUFFICIENT TO RAISE
13 QUESTIONS, AND IN FACT IT'S BEEN IGNORED.
14 AS FAR AS THE LEVELS -- AS I SAID,
15 I'VE BEEN INVOLVED IN A NUMBER OF CONTAMINATION
16 AND TANK ISSUES -- THOSE ARE LEVELS AT WHICH WE
17 HAVE TO TAKE ACTION. USUALLY WE HAVE TO
18 INVOLVE THE LOCAL AGENCIES, WE HAVE TO INVOLVE
19 THE WATER BOARD, ALL TO DETERMINE WHETHER THERE
20 IS A PROBLEM THERE.
21 AND IN FACT THE SOIL STOCKPILE DID
22 COME FROM BELOW GROUNDWATER LEVEL, AND THAT'S
23 AN INDICATION, AND THAT'S PROBABLY WHY THE
24 WATER BOARD HAS EXPRESSED AN INTEREST IN
25 LOOKING AT THIS ISSUE, IS THE FACT THAT THERE

1 IS POTENTIAL FOR WATER CONTAMINATION.
2 ALL THOSE ARE SIGNS THAT INDICATE
3 THAT THERE SHOULD HAVE BEEN SOMETHING LOOKED AT
4 WAY BACK WHEN, BECAUSE THEY KNEW ABOUT IT
5 BEFORE. AND EVEN IF THIS INFORMATION WAS NEWLY
6 DISCOVERED, IT WOULD ALSO BE CAUSE TO PAUSE,
7 TAKE A LOOK AT WHERE WE ARE, AND ASSESS.
8 IT'S AMAZING THAT THIS WHOLE
9 PROCESS COULD EASILY HAVE BEEN FIXED A LONG
10 TIME AGO, AS I SAID. IT COULD HAVE BEEN
11 ADDRESSED QUITE SIMPLY, AND IT MIGHT EVEN HAVE
12 BEEN ADDRESSED IN THE MITIGATED NEG DEC, THAT
13 THERE IS CONTAMINATION THERE.
14 AS DR. RUSSELL SAID, THESE LEVELS
15 ARE NOT EXTREMELY HIGH. THEY COULD HAVE BEEN
16 ADDRESSED. IN FACT ALL THEY HAD TO DO
17 INITIALLY WAS JUST SAY THAT THEY WERE GOING TO
18 REMOVE THE EXTENT OF THE CONTAMINATION.
19 IN FACT WHAT THEY DID IS
20 ACKNOWLEDGE THAT THERE IS NO POTENTIAL HAZARD
21 THERE, AND THAT'S WHERE THE MISTAKE LIES.
22 SO WHERE WE END UP IS THAT A
23 DOCUMENT WAS SUBMITTED TO YOU, ASSUMABLY
24 CORRECT. IT WAS NOT. AND BASED UPON THAT WE
25 FOLLOWED THROUGH THE PROCESS. YOU REVIEWED THE

1 DOCUMENT. YOU RATIFIED THAT DOCUMENT. YOU
2 REQUESTED THEY RATIFY IT. YOU APPROVED THE
3 SOLID WASTE FACILITY PERMIT.
4 IT IS ALL BASED UPON THE
5 INACCURATE ASSUMPTION THAT THERE WAS NO
6 POTENTIAL FOR ENVIRONMENTAL HAZARD THERE. AND
7 I THINK IT'S BEEN ADEQUATELY DEMONSTRATED ON
8 THE RECORD THAT THAT POTENTIAL EXISTS AND
9 SHOULD HAVE BEEN LOOKED AT.
10 SO THEREFORE, SINCE THERE IS A
11 CONTAMINATION ISSUE -- THE SIGNIFICANCE IS
12 BEING DEBATED, BUT THE FACT IS IT'S THERE -- 13 THAT
14 SHOULD HAVE BEEN LOOKED AT INITIALLY, AND
15 SINCE IT WASN'T, THAT DEEMS THE CEQA PROCESS,
16 EVEN THE RATIFICATION THAT HAPPENED LAST NIGHT,
17 AS INVALID AND INACCURATE, BASED UPON
18 INACCURATE INFORMATION.
19 SO SINCE THAT IS TRUE, THEN I
20 THINK WE HAVE TO FOLLOW THROUGH ON THE WHOLE
21 PROCESS AND AGREE WITH THE FACT THAT THAT CEQA
22 DETERMINATION WAS INACCURATE, THAT THE PROCESS
23 WAS INVALID, WHAT WAS HANDED TO YOU WAS AN
24 INCOMPLETE DOCUMENT, AND THEREFORE THE WHOLE
25 PACKAGE, INCLUDING THE SOLID WASTE PERMIT,
SHOULD BE RESCINDED.

1 AND WE URGE YOU TO TAKE THAT KIND
2 OF ACTION, AND AS I SAID, WE CAN'T UNDERSTAND
3 WHY THEY DIDN'T FIX THIS PROCESS A LONG TIME
4 AGO. IT WOULD HAVE BEEN QUITE EASY, AND WE
5 WOULDN'T BE HERE TODAY.
6 THANK YOU VERY MUCH.

7 CHAIRMAN PENNINGTON: QUESTIONS OF
8 MR. SWEETSER?
9 OKAY. THANK YOU.

10 NOW WE WILL HEAR FROM VICTOR
11 SCHAUB.

12 MR. SCHAUB: ALL I WAS GOING TO INFORM
13 YOU WAS THAT THE CITY COUNCIL RATIFIED THE
14 ADDENDUM AS YOU HAD REQUESTED LAST NIGHT.

15 CHAIRMAN PENNINGTON: VERY GOOD.
16 THANK YOU.

17 NEXT WE WILL HEAR FROM STEVE
18 SALZMAN. IS THAT CORRECT? SALZMAN?

19 MEMBER JONES: BILL GRAHAM WANTS TO
20 SPEAK FIRST.

21 CHAIRMAN PENNINGTON: OKAY. BILL
22 GRAHAM.

23 MR. GRAHAM: THANK YOU. I'M BILL
24 GRAHAM, THE PROJECT MANAGER FOR ECDC
25 ENVIRONMENTAL, AND I JUST WANTED TO MAKE A

1 COUPLE OF QUICK COMMENTS.
2 WE ARE GOING TO BE THE OPERATOR
3 FOR THE PROJECT UP THERE. I HAVE BEEN INVOLVED
4 MYSELF WITH THE DEVELOPMENT OF THE CEQA
5 DOCUMENTS AND THE SITE DEVELOPMENT, AND I CAN
6 ANSWER ANY QUESTIONS RELATED TO THOSE THAT YOU
7 MAY HAVE.
8 I HAVE BEEN WORKING ON THIS
9 PROJECT FOR OVER SIX YEARS. I HAVE INVESTED A
10 LOT OF TIME AND EFFORT INTO IT, AND I'M VERY
11 FAMILIAR WITH THE PROJECT.
12 WE HAVE A TEAM OF PEOPLE HERE TO
13 ANSWER ANY OTHER QUESTIONS YOU MAY HAVE
14 REGARDING THE PROJECT. WE HAVE VICTOR SCHAUB,
15 WHO IS THE AUTHORITY COUNSEL. HE JUST GOT UP
16 AND INTRODUCED HIMSELF. WE HAVE STEVE SALZMAN
17 WITH WINZLER AND KELLY. HE IS A PROFESSIONAL
18 ENGINEER AND A GEOLOGIST WHO IS KNOWLEDGEABLE
19 ABOUT THE SITE. HE HAS DONE WORK ON IT FOR A
20 NUMBER OF YEARS.
21 WE HAVE MICHAEL REMY, WHO IS AN
22 ATTORNEY AND A CEQA SPECIALIST AS WELL, WITH
23 US, AND JIM BRADBURY, WHO IS A REPRESENTATIVE
24 OF THE DRYCREEK LANDFILL UP IN OREGON.
25 SO ANY QUESTIONS THAT YOU MAY

1 HAVE, WE ARE CERTAINLY PREPARED TO ANSWER THEM.

2 CHAIRMAN PENNINGTON: VERY GOOD. ANY
3 QUESTIONS AT THIS POINT?

4 I HAVE SPEAKER SLIPS FROM STEVE
5 SALZMAN AND FROM MICHAEL REMY. DID YOU WANT TO
6 SPEAK?

7 MR. SALZMAN: YES.

8 CHAIRMAN PENNINGTON: OKAY. GREAT.

9 MR. SALZMAN: GOOD MORNING. MY NAME
10 IS STEVE SALZMAN. LIKE BILL INTRODUCED ME, I'M
11 A PROFESSIONAL ENGINEER FROM WINZLER AND KELLY.
12 I WAS ASKED TO COME AND ADDRESS THIS ISSUE OF
13 THE SOILS ON THE SITE.
14 JUST A QUICK ROLL-BACK TO ABOUT
15 1988, 1989. THERE WAS A PHASE I AND PHASE II
16 ASSESSMENTS DONE ON THE PARCEL NEXT DOOR TO THE
17 ONE WE ARE TALKING ABOUT NOW. THAT'S WHERE THE
18 PCP WAS FOUND. A PCP DIP TANK WAS FOUND TO BE
19 LEAKING THERE AND HAD CONTAMINATED SOIL AND
20 GROUNDWATER ON THAT SITE.

21 I WAS INVOLVED IN THAT
22 INVESTIGATION WITH A DIFFERENT COMPANY AT THAT
23 POINT, AND WE EXCAVATED A LOT OF THE SOIL OUT
24 OF THAT AREA AND SET UP THE GROUNDWATER
25 EXTRACTION SYSTEM, AND THAT WAS ALL DONE UNDER

1 A REGIONAL BOARD.

2 BILL HAS JUST PROVIDED US WITH A

3 MAP OF THAT SITE.

4 MEMBER JONES: IS THAT EXISTING, OR IS
5 THAT WHAT'S PROPOSED, OR WHAT?

6 MR. SALZMAN: THIS IS THE PROPOSED
7 SITE. THIS IS THE TRANSFER STATION HERE. YOU
8 CAN'T REALLY SEE EVERYTHING HERE, BUT THE OTHER
9 PARCEL, THE OTHER SITE, IS OFF THE MAP. IT'S A
10 COUPLE OF PARCELS OVER.

11 THERE WAS AN EXTENSIVE
12 INVESTIGATION DONE THERE. IT WAS A LARGE
13 CLEANUP ALL DICTATED BY THE REGIONAL BOARD.
14 AND IT'S ONGOING. THERE IS STILL GROUNDWATER
15 CLEANUP HAPPENING THERE NOW. BUT THEY
16 DETERMINED THE EXTENT OF THE CONTAMINATION AND
17 REMOVED THE SOIL THAT WAS CONTAMINATED AT THAT
18 POINT AND THEY ARE STILL WORKING ON THE GROUND
19 WATER.

20 THE CONTAMINATION WE ARE TALKING
21 ABOUT ON THE TRANSFER SITE IS SURFACE SURFICIAL
22 CONTAMINATION FROM PETROLEUM HYDROCARBONS. AND
23 AS HAS BEEN POINTED OUT HERE, WE CAN ARGUE
24 ABOUT THE LEVELS AND CONCENTRATIONS AND HOW
25 SIGNIFICANT THEY ARE OR AREN'T SIGNIFICANT, BUT

1 THE FACT REMAINS THAT THEY DO NEED TO BE DEALT
2 WITH, AND THEY ARE BEING DEALT WITH.
3 FROM REGIONAL BOARD'S POINT OF
4 VIEW, AND THIS IS FROM TESTIMONY LAST NIGHT AT
5 ARCATA'S COUNCIL MEETING, THE LEVELS ARE
6 NOTHING THAT'S A REAL BIG DEAL FOR THEM. YOU
7 KNOW, IT'S JUST A FAIRLY TYPICAL HYDROCARBON
8 CLEANUP SITE, AND THEY ARE WORKING WITH THE
9 PROPERTY OWNER NOW.
10 I CHARACTERIZED THE STOCKPILES TO
11 BEGIN WITH FOR DISPOSAL. I WASN'T TRYING TO
12 CHARACTERIZE THE SITE. I ONLY CHARACTERIZED
13 THE STOCKPILES WHEN WE DECIDED THAT THEY HAD TO
14 BE MOVED OFF SITE OR DISPOSED. AND SO THE
15 COMPOSITE SAMPLING WAS DONE SPECIFICALLY TO
16 CHARACTERIZE FOR DISPOSAL, NOT TO CHARACTERIZE
17 FOR WHERE THE CONTAMINATION HAD COME FROM OR
18 ANYTHING ELSE.
19 AND COMPOSITE SAMPLING IS A WELL
20 ACCEPTED PRACTICE FOR DISPOSAL. YOU ARE TRYING
21 TO FIND OUT WHAT THE AVERAGE CONCENTRATION IS
22 THROUGHOUT THE WHOLE PILE. YOU'RE NOT TRYING
23 TO FIND HOT SPOTS.
24 SO THE REGIONAL BOARD'S FEELING
25 AND MY FEELING IS THIS IS NOT A HEALTH HAZARD

1 SITE. THE HYDROCARBON CONTAMINATION AND DIESEL
2 OIL THAT'S FOUND IN THAT SITE IS NOT REALLY A
3 HEALTH HAZARD. IT'S SOMETHING THAT NEEDS TO BE
4 CLEANED UP. AND TYPICALLY THE WAY THESE THINGS
5 ARE CLEANED UP, EVEN IN UNDERGROUND TANK
6 SITUATIONS, THEY DIG OUT THE SOIL, AND THEN
7 THEY GO BACK AND PAVE IT OVER.
8 THAT'S WHAT'S HAPPENING AT THIS
9 SITE. WE HAVE DUG OUT THAT SOIL. AND THERE
10 MAY BE OTHER SPOTS THAT GET FOUND DURING THAT
11 WORK. I UNDERSTAND MOST OF THE SITE IS PAVED
12 OVER NOW, SO THERE PROBABLY WON'T BE A LOT MORE
13 EXCAVATION THAT'S GOING ON.
14 SO THE REMEDIATION, YOU KNOW, IT
15 MAY PROGRESS IN TO GROUNDWATER STUDY, BUT
16 THAT'S NOT LIMITED BY PAVEMENT. YOU CAN DRILL
17 RIGHT THROUGH THAT. AND IF THERE IS A
18 GROUNDWATER CLEANUP THAT NEEDS TO BE DONE, IT'S
19 GOING TO BE DONE UNDER REGIONAL BOARD
20 GUIDELINES, THE TRI-REGIONAL GUIDELINES, AND
21 THEY CAN PROCEED WITH IT JUST LIKE THEY WOULD
22 AT ANY OTHER GAS TANK SITE OR ANYTHING ELSE.
23 YOU HAVE SEEN SERVICE STATIONS ALL
24 OVER THE PLACE WITH PILES OF SOIL DUG UP, PUT
25 BACK. THE SERVICE STATIONS ARE UP AND RUNNING,

1 AND THERE IS MONITORING WELLS AROUND THE
2 STATION, WORKING ON THE PROBLEM. SO IT'S NOT
3 AN UNUSUAL THING TO HAVE HAPPEN.
4 THE STOCKPILES THAT ARE OUT THERE,
5 THERE IS A 3500 CUBIC YARD STOCKPILE THAT WAS
6 THE MAIN EXCAVATION. THAT WAS THE MATERIAL
7 THAT WAS FIRST BROUGHT TO THE LOCAL LANDFILL
8 FOR DISPOSAL AND WAS REJECTED FROM THAT LOCAL
9 LANDFILL ON THE BASIS OF THE OPERATOR LOOKING
10 AT IT OR SMELLING IT. HIS OPINION OF IT WAS
11 THAT IT WAS CONTAMINATED.
12 AND THIS SAME MATERIAL, WHEN I
13 WENT TO EXAMINE THE STOCKPILE, DID NOT LOOK
14 CONTAMINATED AT ALL. IT LOOKED LIKE A PILE OF
15 RIVER-RUN GRAVEL. IT DIDN'T SMELL
16 CONTAMINATED. IT DIDN'T LOOK CONTAMINATED. IT
17 DIDN'T FEEL CONTAMINATED.
18 IT HAD LOW LEVELS OF CONTAMINATION
19 IN IT. IT WAS ABOUT FIVE PARTS PER MILLION
20 DIESEL, AVERAGE, AND LESS THAN 100 PARTS PER
21 MILLION MOTOR OIL, AVERAGE.
22 I ALSO LOOKED FOR PCP, BECAUSE I
23 WAS AWARE OF THE HISTORY OF THE SITE, AND THERE
24 WAS NONE THERE. WE ALSO LOOKED FOR GASOLINE
25 AND BTEX, BENZENE, ETYLBENZENE AND TOLUENE.

1 WE DID FIND TOLUENE AT VERY LOW
2 LEVELS. THE MAXIMUM CONTAMINANT LEVEL FOR
3 DRINKING WATER STANDARDS IN CALIFORNIA ARE .15
4 PARTS PER MILLION. THE CONTAMINANT LEVELS IN
5 THIS SOIL ARE ABOUT -- AN ORDER OF MAGNITUDE
6 LESS THAN THAT. SO I DON'T THINK IT'S GOING TO
7 BE A DRINKING WATER PROBLEM. I DON'T THINK IT
8 WILL BE AN ISSUE IN THE GROUNDWATER.
9 ANOTHER POINT THAT WAS BROUGHT UP
10 WAS THE GROUNDWATER INTO THAT SITE IS PROBABLY
11 NOT USED. WATER IN THE CITY OF ARCATA IS
12 SUPPLIED OUT OF THE MADD RIVER. VERY FEW
13 PEOPLE USE WELLS, ESPECIALLY IN THAT AREA OF
14 ARCATA. THERE IS SOME WATER USE OUT IN THE
15 BOTTOMS, OUT IN THE ARCATA BOTTOMS, BUT MOST OF
16 IT COMES FROM THE RIVER.
17 THERE IS ANOTHER PILE THAT HAS
18 HIGHER CONTAMINANT LEVELS, MODERATE CONTAMINANT
19 LEVELS, 600 OR 700 PARTS PER MILLION MOTOR OIL.
20 THIS IS A CLASS 2 DISPOSAL MATERIAL. IT'S
21 EASILY HANDLED, AND MOST LANDFILLS ARE QUICK TO
22 TAKE THAT OR BIOREMEDIATE IT OR USE IT IN SOME
23 WAY. SO THAT MATERIAL PROBABLY WILL HAVE TO
24 GET REMOVED FROM THE SITE AND DISPOSED.
25 THE 3500 YARDS THAT WE ORIGINALLY

1 STARTED TALKING ABOUT IS SOMETHING THAT CAN BE
2 USED BY MOST LANDFILLS AS DAILY COVER. IT'S
3 NOT A BIG DISPOSAL PROBLEM. IN FACT IT CAN
4 PROBABLY BE USED IN THE LOCAL AREA FOR BACKFILL
5 OF TANK INVESTIGATION EXCAVATIONS OR OTHER
6 USES. YOU COULD USE IT UNDER ROAD BASE. AS
7 LONG AS IT'S PAVED OVER AND TAKEN OUT OF THE
8 SURFACE WATER AND GROUNDWATER CONTACT, YOU CAN
9 USE THIS KIND OF SOIL PRETTY READILY.

10 I'M HERE TO ANSWER ANY OTHER
11 QUESTIONS, IF YOU HAVE ANY.

12 CHAIRMAN PENNINGTON: OKAY. ANY
13 QUESTIONS OF MR. SALZMAN?

14 MEMBER JONES: MR. CHAIRMAN?

15 CHAIRMAN PENNINGTON: YES, MR. JONES.

16 MEMBER JONES: I HAVE A FEW.

17 WHEN DID YOU GET INVOLVED WITH
18 THIS SOIL ISSUE? AFTER IT HAD BEEN EXCAVATED?

19 MR. SALZMAN: AFTER IT HAD BEEN
20 EXCAVATED. I WAS REQUESTED BY THE CONTRACTOR
21 TO SAMPLE THE SOILS AFTER IT WAS REJECTED BY
22 THE LOCAL LANDFILL.

23 MEMBER JONES: AND HOW LONG HAD IT
24 BEEN SITTING OUTSIDE?

25 MR. SALZMAN: ABOUT A DAY, MAYBE TWO.

1 MEMBER JONES: AND NORMAL REMEDIATION
2 OF THOSE THINGS IS TO EXPOSE IT TO AIR?

3 MR. SALZMAN: IF YOU WANT TO REMEDIATE
4 MOTOR OIL AND DIESEL, YOU ARE PROBABLY TALKING
5 BIOREMEDIATION OR INCINERATION. MOTOR OILS
6 DON'T AERATE OUT VERY WELL. NEITHER DO DIESEL.
7 SO THE ISSUE OF MIXING IT AND LOSING IT THROUGH
8 EVAPORATION, I WOULDN'T EXPECT THAT TO HAPPEN.
9 ALSO I WOULD ANTICIPATE, AND THE
10 LAB RESULTS CAME BACK SAYING THAT THIS DIDN'T
11 HAVE THE APPEARANCE OF FRESH MOTOR OIL IN THE
12 CHROMATOGRAMS, WHICH MEANS IT HAD BEEN AROUND
13 FOR A WHILE AND DEGRADED. SO THE HEAVIER
14 COMPOUNDS ARE LEFT OVER. THE LIGHTER ONES HAVE
15 ALREADY BEEN EITHER BIOREMEDIATED OUT OR
16 AERATED OUT ON THEIR OWN.

17 SO MOVING THE SOIL STOCKPILES
18 AROUND, YOU MIGHT HAVE LOST SOME TOLUENE, SOME
19 OF THE MORE VOLATILE COMPONENTS, BUT I DON'T
20 THINK YOU WOULD LOSE THE MOTOR OIL AND DIESEL.

21 MEMBER JONES: IF YOU BUILD OVER
22 SOMETHING THAT'S GOT VOC'S, AND IT'S NOT
23 VENTED, BECAUSE YOU HAD SAID WHEN YOU DO A GAS
24 TANK EXCAVATION AND YOU ARE PUTTING SOILS BACK
25 IN, YOU VENT THAT SO THAT THERE IS NO BUILDUP

1 OF EXPLOSIVE GASSES OR FUMES UNDER THE GROUND.
2 WHAT HAPPENS WHEN YOU PUT A
3 CONCRETE SLAB OVER MATERIAL THAT IS COMBUSTIBLE
4 AND YOU HAVEN'T ENGINEERED IT FOR VENTING? IS
5 THERE AN ISSUE THERE?

6 MR. SALZMAN: I DON'T BELIEVE
7 THERE WOULD BE AN ISSUE THERE AT THIS POINT,
8 BECAUSE THE MATERIALS THAT CAME OUT OF THE
9 GROUND, THE VOLATILE STUFF WE FOUND IN THERE,
10 THE TOLUENE, IS AT LOWER THAN THE TASTE AND
11 ODOR THRESHOLDS EVEN IN GROUNDWATER. SO YOU
12 COULDN'T SMELL IT AND YOU COULDN'T TASTE IT.
13 DOUBT IF IT WOULD BE COMBUSTIBLE, BUT I HAVEN'T
14 DONE ANY ENGINEERING OR CALCULATIONS TO TRY TO
15 FIGURE OUT IF IT'S NEAR ITS COMBUSTIBLE LIMIT.
16 I SERIOUSLY DOUBT IT THOUGH.

17 MEMBER JONES: BUT IT'S AT THE
18 FOOTINGS, RIGHT? THE EXCAVATIONS WERE FOR THE
19 FOOTINGS?

20 MR. SALZMAN: AND THE SLAB, YEAH. THE
21 WHOLE FOOTING AND SLAB FOR THE WHOLE TRANSFER
22 STATION.

23 MEMBER JONES: OKAY. SO EVERYTHING
24 HAS BEEN -- DO YOU KNOW WHAT THE SOIL LEVEL IS
25 UNDER WHERE THAT SLAB IS GOING TO GO?

1 MR. SALZMAN: SOIL LEVELS?

2 MEMBER JONES: I MEANS WHAT'S THE
3 CONTAMINATION LEVEL WHERE YOU STOPPED? I MEAN
4 WHERE THEY STOPPED EXCAVATING, WERE THEY SURE
5 THAT THEY HAD GOTTEN ALL THAT MATERIAL?

6 MR. SALZMAN: NO, THEY WEREN'T
7 EXCAVATING FOR CONTAMINANTS AT THAT POINT

8 MEMBER JONES: THEY WERE EXCAVATING
9 FOR--

10 MR. SALZMAN: THEY WERE TRYING TO
11 OVEREXCAVATE TO REMOVE UNSUITABLE SOILS THAT
12 ARE UNSUITABLE FOR FOUNDATION CONDITIONS.

13 MR. GRAHAM: MR. JONES, IF I MAY?
14 MR. JONES: YES.

15 MR. GRAHAM: THE EXCAVATION AT THE
16 SITE DUG DOWN AROUND THE ENTIRE FOOTPRINT OF
17 THE BUILDING DOWN TO NATIVE SOIL LEVELS, THE
18 NATIVE LEVELS. ANYTHING THAT WAS BACKFILLED
19 WAS TAKEN OUT. AND CLEAN FILLS IMPORTED BACK
20 IN WAS RIVER-RUN GRAVEL, SO THERE WAS NOTHING
21 THAT WOULD BE SITTING ON ANY FILL MATERIAL THAT
22 WAS AT THE SITE BEFORE, SO JUST AS A POINT OF
23 CLARIFICATION.

24 AND AS FAR AS THE VOLATILITY OF
25 THE TOLUENE, IT'S AT SUCH LOW LEVELS IT COULD

1 NOT BE CONSIDERED IGNITIBLE.

2 MEMBER JONES: FROM THE STUFF THAT WAS
3 EXCAVATED?

4 MR. GRAHAM: CORRECT.

5 MEMBER JONES: WE DON'T KNOW ABOUT THE
6 STUFF THAT'S STILL THERE?

7 MR. GRAHAM: THE MATERIALS THAT -- AS
8 A BIT OF ADDITIONAL CLARIFICATION, THE
9 MATERIALS THAT CAME UP WITH THE HIGHER LEVELS
10 OF HYDROCARBONS WERE GENERATED FROM SCRAPINGS
11 IN THE YARD.

12 THERE IS TWO DISTINCT PILES HERE.

13 THERE WAS THE MATERIAL THAT WAS EXCAVATED DOWN
14 TO THE NATIVE FILL, AND THAT IS THE BIGGER
15 STOCKPILE. THAT IS WHAT I WILL CALL THE CLASS
16 3 MATERIAL, UNDER 100 PARTS PER MILLION OF TPH.

17 AND THEN THERE WERE YARD
18 SCRAPINGS. THERE WERE ABOUT 1200 YARDS OF
19 THAT, WHICH WERE GENERATED -- YOU KNOW, A LOT
20 OF IT HAS GOT WOOD WASTE IN IT. THE SITE WAS
21 BY THE WAY PAVED INITIALLY. AND OTHER
22 SURFACE -- THINGS THAT CAME FROM THE SURFACE,
23 YOU KNOW. SO THAT'S WHERE THE HIGHER LEVELS IN
24 THE TOLUENE CAME FROM. SO TO OUR KNOWLEDGE
25 THERE IS NO TOLUENE SUBSURFACE.

1 MEMBER JONES: I AM WORKING OFF THE
2 PREMISE THAT THE JPA'S COUNSEL AT OUR LAST
3 MEETING TOLD US WE WOULD HAVE TO BE FROM MARS
4 NOT TO KNOW THAT THAT SOIL WAS CONTAMINATED, SO
5 I'M TRYING TO FIGURE OUT, IF IN FACT WE ARE NOT
6 FROM MARS, WHAT WOULD THE NORMAL -- WELL, LET
7 ME BACK UP.
8 THE MATERIAL THAT HAS BEEN
9 EXCAVATED HAS BEEN PUT IN PLACE, AND YOU HAVE
10 POURED CONCRETE -- AND NOW I NEED TO ASK YOUR
11 ENGINEER A QUESTION.

12 MR. GRAHAM: SURE.

13 MEMBER JONES: DO YOU PROVIDE A
14 SERVICE TO SOMEBODY THAT'S BUYING A PIECE OF
15 PROPERTY AND DO SITE INVESTIGATIONS PRIOR TO
16 PURCHASE?

17 MR. SALZMAN: YES.

18 MEMBER JONES: IS THAT A NORMAL COURSE
19 OF BUSINESS?

20 MR. SALZMAN: CERTAINLY.

21 MEMBER JONES: IS IT A BUSINESS THAT
22 YOU ARE TELLING SOMEBODY THAT BUYS A PIECE OF
23 PROPERTY THAT IN FACT THAT SOIL OR THAT
24 PROPERTY IS IN A CONDITION THAT'S NOT GOING TO
25 COST THEM ANYTHING TO BUILD ON AS FAR AS

1 REMEDIATION GOES? THERE IS NO POTENTIAL

2 LIABILITY?

3 MR. SALZMAN: YOU ARE REFERRING TO

4 LIKE A PHASE I AND PHASE II SITE ASSESSMENT,

5 REAL ESTATE TRANSACTION SITE ASSESSMENT?

6 MEMBER JONES: REAL ESTATE

7 TRANSACTION. I'M GOING TO GO LOOK AT A PIECE

8 OF PROPERTY, I'M GOING TO BUY IT, I WANT TO DO

9 A SITE INVESTIGATION.

10 MR. SALZMAN: YES. OUR FIRM DOES

11 THAT. I WASN'T RETAINED TO DO THAT FOR THIS

12 SITE.

13 MEMBER JONES: WAS THIS DONE AT THIS

14 SITE?

15 MR. SALZMAN: IN 1988 AND '89 I THINK

16 THAT THE OWNER HAD THAT DONE FOR THE SITE, AND

17 THAT'S WHAT TURNED UP THE PCP CONTAMINANT

18 INVESTIGATION.

19 MEMBER JONES: OKAY.

20 MR. GRAHAM: ALSO IF I COULD ADD SOME

21 INFORMATION TO THAT.

22 IN THE SITE INVESTIGATION THEY DID

23 WITH THE CITY, IN CONJUNCTION WITH CITY

24 ENVIRONMENTAL SERVICES STAFF, WE LOOKED AT OLD

25 AERIAL PHOTOGRAPHS FROM THE '40S AND '50S ON UP

1 THROUGH RECENT TIMES.
2 THIS PART OF THE PARCEL, ACTUALLY
3 THIS WHOLE YARD HERE WAS PAVED. IT WAS A
4 LUMBER STORAGE AREA. THEY PUT LUMBER OUTSIDE
5 AFTER IT HAD BEEN MILLED IN THE MILL, WHICH IS
6 IN THE BUILDING UP OVER HERE. AND THEY STORED
7 THAT LUMBER HERE. IT WAS ALL PAVED. IN FACT,
8 ON THE CITY GIS MAP WE LOOKED AT THE PARCEL,
9 AND IT SHOWS IT AS BEING IMPERVIOUS.
10 WE KNEW OF THE PHASE I AND THE
11 PHASE II THAT HAD BEEN DONE THAT HAD IDENTIFIED
12 THE CONTAMINATION WHICH IS UP OVER ON THE OTHER
13 SIDE OF THESE BUILDINGS. THAT CONTAMINATION OF
14 THE GROUNDWATER IN THOSE AREAS HAD BEEN
15 DELINEATED AND CONTINUES TO BE MONITORED AND
16 DELINEATED, AND IT IS NOT ANYWHERE NEAR THIS
17 PARCEL. SO THIS IS A POINT OF CLARIFICATION.
18 I WANTED TO MAKE THAT.

19 THANK YOU.

20 CHAIRMAN PENNINGTON: VERY GOOD.

21 THANK YOU.

22 NEXT WE WILL HEAR FROM MICHAEL

23 REMY.

24 MR. REMY: MR. CHAIRMAN AND MEMBERS OF

25 THE COMMITTEE, I'M MIKE REMY FROM REMY, THOMAS

1 AND MOOSE HERE IN SACRAMENTO.
2 MY LEGAL EXPERTISE IS IN THE
3 CALIFORNIA ENVIRONMENTAL QUALITY ACT, AND I
4 JUST WANT TO BASICALLY MAKE MYSELF AVAILABLE
5 FOR ANY QUESTIONS ON THAT ACT, BUT I WOULD LIKE
6 TO ADDRESS A COUPLE POINTS THAT I HEARD MADE BY
7 AARON ISHERWOOD ON BEHALF OF THE UNITED
8 NEIGHBORHOOD ALLIANCE.
9 THERE IS A DIFFERENCE, AND IT'S AN
10 INTENTIONAL DIFFERENCE UNDER THE CALIFORNIA
11 ENVIRONMENTAL QUALITY ACT FOR WHAT YOUR
12 OBLIGATIONS ARE, THE STANDARDS OF REVIEW, FOR
13 WHEN YOU INITIALLY ARE TO ENTERTAIN APPROVING A
14 PARTICULAR PROJECT VERSUS THIS KIND OF
15 SITUATION WHERE YOU HAVE TO TAKE A LOOK AT A
16 SUBSEQUENT -- AT THE POTENTIAL FOR A SUBSEQUENT
17 ANALYSIS. THAT MEANS ANALYSIS THAT WOULD COME
18 AFTER EITHER A NEGATIVE DECLARATION OR
19 ENVIRONMENTAL IMPACT REPORT HAS BEEN PREPARED.
20 THERE IS A VERY GOOD REASON FOR
21 THIS, AND THE ONLY ANALOGY I CAN GIVE YOU IS
22 THAT THERE A CONTEMPLATION OF THE CALIFORNIA
23 ENVIRONMENTAL QUALITY ACT THAT INITIALLY WE
24 OUGHT TO BE OPERATING UNDER SOMETHING CALLED
25 THE FAIR ARGUMENT TEST AT THE THRESHOLD. IF

1 YOU CAN MAKE A GOOD ARGUMENT, YOU OUGHT TO BE
2 LOOKING AT IT.
3 IT'S QUITE DIFFERENT FOR AN AGENCY
4 TO LOOK AT A SITUATION WHERE THE PROCESS HAS
5 ALREADY BEEN UNDERTAKEN BY THE LEAD AGENCY.
6 THERE THE COURTS HAVE COME TO THE CONCLUSION
7 THAT ACTUALLY THERE OUGHT NOT TO BE A REOPENING
8 OF THAT PROCESS UNLESS THE AGENCY HAS VERY
9 CLEAR AND SUBSTANTIAL EVIDENCE BEFORE IT THAT
10 IT DOES IN FACT REQUIRE A RECIRCULATION OR
11 REASSESSMENT THROUGH AN ENVIRONMENTAL DOCUMENT
12 THAT PREVIOUSLY HAD BEEN PREPARED.
13 AND THE ANALOGY I WOULD GIVE YOU
14 IS THAT -- OR THE REASONING FOR THIS IN SOME
15 RESPECTS IS SOMETHING LIKE THIS. WE ALL HAVE
16 HEARD OF THE DANGERS OF SOMEONE IN LET'S SAY
17 EVEN A CROWDED THEATER YELLING OUT SOMETHING
18 LIKE "FIRE," BECAUSE IT COULD PANIC, IT COULD
19 CAUSE COMMOTION AND SO ON.
20 IT DOESN'T REALLY HELP THAT MUCH
21 FOR SOMEONE UNDER THOSE CIRCUMSTANCES TO SAY,
22 "I'M NOT SURE, BUT I THINK THERE MIGHT BE A
23 FIRE," TO EXPLAIN THAT.
24 IN THE CIRCUMSTANCES WE FIND
25 OURSELVES IN, AND THIS IS WHAT THE COURTS

1 ANTICIPATED, MERELY THROWING UP THE TYPES OF
2 ALLEGATIONS THAT YOU HAVE HEARD, AFTER AN
3 ENVIRONMENTAL IMPACT REPORT PROCESS OR LET'S
4 SAY AN ASSESSMENT PROCESS HAS TAKEN PLACE, HAS
5 TO BE SUBJECTED TO A DIFFERENT STANDARD, AND SO
6 THE COURTS HAVE BASICALLY SAID THAT THERE IS A
7 DIFFERENT INTENT IN CEQA WHEN IT'S AFTER A
8 COMPLETION OF THAT PROCESS BY THE LEAD AGENCY,
9 AND YOU MUST BE ABLE TO SHOW THAT EITHER
10 SUBSTANTIAL CHANGES IN THE PROJECT OR ITS
11 CIRCUMSTANCES WILL REQUIRE A MAJOR REVISION IN
12 THE ENVIRONMENTAL ANALYSIS.

13 NOW, THAT IS NOT TO SAY, AND I
14 WANT TO EMPHASIZE THAT, WE ARE NOT SAYING THAT
15 WE DON'T HAVE SOME THINGS WE NEED TO DEAL WITH,
16 BUT WHAT I'M TRYING TO EMPHASIZE IS THAT IT
17 INAPPROPRIATELY LENDS THROUGH THE ENVIRONMENTAL
18 IMPACT REPORT REQUIREMENTS TO SAY NOW YOU MUST
19 THEREFORE TAKE SOME ACTION TO REDO THAT
20 ANALYSIS.

21 THERE ARE IN FACT PROCEDURES IN
22 PLACE, INCLUDING PROCEDURES FOR THE LEAD AGENCY
23 TO UNDERTAKE REMEDIAL ANALYSIS IF IT IS
24 NECESSARY.

25 SO MY POINT IS SIMPLY THAT IT

1 ISN'T LIKE THE KIND OF CONSIDERATION WHERE YOU
2 INITIALLY ARE APPROACHED WITH A PROJECT AND YOU
3 MUST TAKE INTO ACCOUNT ANY FAIR ARGUMENT AND
4 DEAL WITH IT. HERE IT IS QUITE A DIFFERENT
5 STANDARD.

6 THIS IS ALL SET FORTH IN GUIDELINE
7 SECTION 5162, AND THE CASES THAT ARE DISCUSSED
8 THEREUNDER, SO IT'S QUITE A DIFFERENT STANDARD.
9 AND THAT'S MY POINT, AND I WOULD
10 BE HAPPY TO ANSWER ANY QUESTIONS WHEN YOU GET
11 TO THE CEQA PORTION, THE CALIFORNIA
12 ENVIRONMENTAL QUALITY ACT PORTION OF THIS
13 PARTICULAR PROBLEM.

14 CHAIRMAN PENNINGTON: OKAY. VERY
15 GOOD. ANY QUESTIONS OF MR. REMY?

16 MEMBER JONES: MR. CHAIRMAN?

17 CHAIRMAN PENNINGTON: YES, MR. JONES.

18 MEMBER JONES: I HAVE A FEW QUESTIONS.

19 OUR ACTION HERE, JUST SO YOU KNOW,
20 WAS BASED ON A MATERIAL MISREPRESENTATION, AND
21 THAT'S WHY WE ASKED THAT IT BE RECONSIDERED.
22 THESE ISSUES HAVE COME UP SUBSEQUENT TO THAT.
23 BUT IT BEGS THE QUESTION, SINCE
24 YOU ARE A CEQA EXPERT AND THAT YOU HAVE LAID
25 THIS OUT FOR MY BENEFIT, AND I THINK IT WAS THE

1 SEPTEMBER 17TH MEETING OR MAY HAVE BEEN THE
2 AUGUST 26TH MEETING, I'M NOT SURE. PROBABLY
3 THE SEPTEMBER 17TH MEETING.
4 SOMEBODY FROM EITHER THE CITIZENS
5 ALLIANCE OR FROM CITY GARBAGE OR NORCAL
6 TESTIFIED THAT MATERIAL HAD BEEN DELIVERED TO
7 THE LANDFILL AND HAD BEEN REJECTED BECAUSE IT
8 DIDN'T SMELL RIGHT OR SOMETHING, AND THEY
9 DIDN'T HAVE A -- THEY DIDN'T GO INTO IT.
10 CLEARLY IT WASN'T APPROPRIATE FOR
11 US NOT TO -- I MEAN IT WAS CLEARLY APPROPRIATE
12 THAT WE DIDN'T MAKE THAT A BIG ISSUE HERE,
13 BECAUSE IT WAS THE FACT THAT SOMETHING HAD BEEN
14 DELIVERED AND THEY DIDN'T KNOW WHAT IT WAS, BUT
15 THEY BROUGHT IT UP.
16 BUT AT THE SAME TIME THERE WERE
17 FIVE MEMBERS OF THE JPA SITTING IN OUR AUDIENCE
18 THAT HEARD THAT THAT DIDN'T OFFER ANYTHING, YET
19 WE HAVE BEEN GIVEN INFORMATION THAT THEY KNEW
20 THAT THERE WAS CONTAMINATION ON THE SITE.
21 WE DIDN'T HAVE THAT INFORMATION AT
22 THIS TIME, BUT AS SUBSEQUENTLY CAME UP, THEY
23 KNEW THERE WAS CONTAMINATION ON THE SITE, IT
24 WAS PART OF THEIR RECORD FOR THEIR OWN JPA
25 MEETING PRIOR TO THESE MEETINGS AND PART OF THE

1 LEASE AGREEMENT THAT THEY WERE DEALING WITH,
2 YET THEY SAT IN THE AUDIENCE AND DID NOT OFFER
3 ANY KIND OF CLARIFICATION.

4 IS THAT AN ISSUE FOR US, WHEN WE
5 ARE TALKING ABOUT THINGS LIKE NOT HAVING ALL
6 THE INFORMATION IN FRONT OF YOU WHEN YOU ARE
7 MAKING A DETERMINATION? SHOULD WE FEEL
8 CONCERNED ABOUT THAT? SHOULD I FEEL CONCERNED
9 ABOUT THAT, THAT THE ISSUE WAS BROUGHT UP,
10 PEOPLE HAD EVIDENCE ABOUT IT AND DIDN'T OFFER
11 ANY EXPLANATION, EVEN THE EXPLANATION THAT IT
12 WAS BENIGN AND DIDN'T REALLY MATTER? IS THAT
13 AN ISSUE UNDER CEQA?

14 MR. REMY: WELL, THE LAST QUESTION YOU
15 ASK AS TO WHETHER OR NOT IT'S AN ISSUE UNDER
16 CEQA IS THE ONLY ONE REALLY THAT I HAVE ANY
17 KNOWLEDGE ABOUT. BUT LET ME SAY THIS. I THINK
18 THE EFFORT TODAY IS TO BRING BEFORE YOU
19 INFORMATION, BECAUSE IT'S CLEARLY RECOGNIZED
20 THAT YOU DO HAVE AN OBLIGATION TO DEAL WITH
21 THESE ISSUES AS A STATEWIDE BODY, REGULATORY
22 BODY, ON THIS ISSUE. THERE IS NO DOUBT THAT
23 YOU HAVE RESPONSIBILITIES TO MEET AND THAT YOU
24 HAVE IN FACT TO DEAL WITH THEM.
25 THE REASON THAT I'M ADDRESSING YOU

1 IS ONE OF THE METHODS OF DEALING WITH IT WOULD
2 BE THROUGH THE PROCEDURAL REQUIREMENTS OF THE
3 CALIFORNIA ENVIRONMENTAL QUALITY ACT. THAT'S A
4 METHODOLOGY.

5 THERE ARE OTHER WAYS AND OTHER
6 MEANS BY WHICH YOU MUST DEAL WITH THESE ISSUES.
7 AS WAS POINTED OUT, THE STATE WATER RESOURCE
8 CONTROL BOARD IS ALREADY INVOLVED. THERE ARE
9 NO DENIALS THAT I KNOW OF OR HIDING THAT'S
10 GOING ON IN ANY WAY.

11 BUT THE QUESTION REALLY
12 PROCEDURALLY AS TO WHETHER OR NOT WHAT YOU HAVE
13 BEFORE YOU PROVIDES YOU WITH THE AUTHORITY TO
14 NOW INTERCEDE UNDER THE CALIFORNIA
15 ENVIRONMENTAL QUALITY ACT, THAT'S WHAT I'M
16 ADDRESSING, AND THAT'S WHERE I'M SAYING NO, IT
17 DOESN'T. IT DOESN'T RISE TO THAT LEVEL.

18 MEMBER JONES: TODAY'S INFORMATION?

19 MR. REMY: YES.

20 MEMBER JONES: THE INFORMATION ON
21 SEPTEMBER 17TH, WHEN IT WAS BROUGHT FORWARD BY
22 THE OPPONENTS, AND THEY COULDN'T QUANTIFY IT,
23 BECAUSE THEY DIDN'T KNOW WHAT IT WAS, WAS THERE
24 AN OBLIGATION ON THE PART OF THE PROPONENTS,
25 WHO KNEW ABOUT IT, TO HAVE LET US KNOW, SINCE

1 WE WERE MAKING A CEQA RULING, AS TO WHETHER OR
2 NOT THE ENVIRONMENTAL RECORD HAD BEEN PUT IN
3 PLACE THAT PROTECTED THOSE PEOPLE?
4 MR. REMY: WELL, I WOULD ANSWER IT
5 THIS WAY. I WOULD THINK SO. I WOULD THINK
6 THAT THE OBLIGATION TO PROVIDE YOU WITH THE
7 INFORMATION AS YOU SIT HERE WOULD BE THERE, AND
8 I CAN'T POINT TO THE SPECIFIC --

9 MEMBER JONES: NO, I UNDERSTAND.

10 MR. REMY: -- BUT I WOULD THINK SO.

11 MEMBER JONES: IT'S VERY BOTHERSOME TO
12 ME, BECAUSE, YOU KNOW, THIS IS PRECEDENT
13 SETTING, WHAT WE ARE DOING, BECAUSE WE HAD
14 ACTUALLY ISSUED A PERMIT.

15 MR. REMY: I AGREE, AND I THINK YOU
16 ARE CARRYING YOUR RESPONSIBILITY OUT VERY
17 RESPONSIBLY.

18 MEMBER JONES: THANKS.

19 CHAIRMAN PENNINGTON: ANY ADDITIONAL
20 QUESTIONS?

21 MEMBER EATON: I JUST HAVE --

22 MR. CHAIR?

23 CHAIRMAN PENNINGTON: YES.

24 MEMBER EATON: I JUST HAVE ONE.

25 COULD YOU PERHAPS EXPAND UPON THE

1 METHODS THAT YOU SPOKE OF WITH REGARD TO
2 MR. JONES'S QUESTIONS THAT THERE ARE METHODS IN
3 PLACE, AND IF SO WHAT ARE THEY? BECAUSE THAT
4 HAS BEEN ONE OF THE QUESTIONS, I THINK, JUST
5 FOR OUR BOARD, AS A WHOLE.
6 WHAT ARE THOSE METHODS? WE LOOK
7 AT THEM AS OPTIONS, AND YOU PROBABLY LOOK AT
8 THEM AS METHODS, BUT JUST SINCE YOU MENTIONED
9 IT, I THINK WE MIGHT AS WELL SEEK YOUR INPUT.
10 MR. REMY: WELL, AS I UNDERSTAND YOUR
11 ROLE, YOU ARE MORE OF AN APPELLATE BODY
12 REVIEWING THE ACTIONS, FOR EXAMPLE, OF LEAD
13 AGENCIES IN THIS PARTICULAR SITUATION.
14 AND THAT RESPONSIBILITY ULTIMATELY
15 YOU CAN PASS YOUR WISHES OR DESIRES ON TO, FOR
16 EXAMPLE, THE LEA OR THE LEAD AGENCY IN THIS
17 PARTICULAR CASE, BECAUSE THE OBLIGATION TO
18 REOPEN THE PROCESS UNDER CEQA IS ON THE LEAD
19 AGENCY, PRIMARILY.
20 NOW, IT IS POSSIBLE FOR YOU UNDER
21 CEQA TO COME TO EXTRAORDINARY CIRCUMSTANCES AND
22 BECOME THE LEAD AGENCY IN SOME INSTANCES. THAT
23 IS BECAUSE YOUR FEELING IS THAT THE LEAD AGENCY
24 HASN'T ADEQUATELY PROVIDED YOU WITH INFORMATION
25 OR ANALYSIS TO ALLOW YOU TO EXERCISE YOUR

1 JUDGMENT, YOUR INDEPENDENT JUDGMENT. THAT'S
2 POSSIBLE.
3 IN THIS PARTICULAR SITUATION,
4 HOWEVER, THERE ARE METHODS SHORT OF THAT
5 WHEREBY YOU CAN REQUEST ACTIONS BY THE
6 APPROPRIATE LEAD AGENCY AND BE SURE TO BE
7 APPRISED OF THOSE ACTIONS AND KEPT APPRISED AS
8 TO WHAT THEY ARE DOING. AND YOU WOULD PROBABLY
9 HAVE THE ABILITY TO MAINTAIN THAT ON AN ONGOING
10 BASIS, SO IF YOU ARE NOT SATISFIED WITH THE
11 PERFORMANCE, YOU MAY STILL INTERCEDE AT THAT
12 POINT.

13 WHAT I WAS REFERRING TO IS THAT
14 THERE ARE OTHER AGENCIES ACTING AS WELL, SUCH
15 AS THE STATE WATER RESOURCE CONTROL BOARD AND
16 THE LOCALS DEALING WITH THIS PARTICULAR
17 SITUATION.

18 SO I THINK YOU CAN MAINTAIN THE
19 ABILITY TO REACH DOWN IF YOU HAVE TO. YOU CAN
20 COMMUNICATE YOUR WISHES TO THE RESPONSIBLE
21 AGENCY LEA, AND I THINK THAT WOULD BE THE WAY
22 TO DO THAT.

23 CHAIRMAN PENNINGTON: OKAY. THANK
24 YOU.

25 NOW WE WILL HEAR FROM KAY

1 STRICKLAND.

2 MR. SCHAUB: CHAIRMAN, VICTOR SCHAUB
3 GENERAL COUNSEL FOR JPA. I FEEL I NEED TO
4 CLARIFY --

5 CHAIRMAN PENNINGTON: I GAVE YOU A
6 CHANCE. I WOULD LIKE TO HEAR MS. STRICKLAND,
7 AND THEN WE WILL COME BACK TO YOU.

8 MR. SCHAUB: ALL RIGHT. THANK YOU.
9 MS. STRICKLAND: KAY STRICKLAND FROM
10 EUREKA. I WOULD LIKE TO TELL YOU A LITTLE BIT
11 ABOUT MY EXPERIENCE AND INVOLVEMENT IN SOLID
12 WASTE ISSUES AND THEN JUST ANSWER ANY QUESTIONS
13 YOU MIGHT HAVE.
14 I HAVE BEEN INVOLVED IN THIS FOR
15 30 YEARS, STARTING WITH THE LEAGUE OF WOMEN'S
16 VOTERS STUDY ON SOLID WASTE PRACTICES. BECAUSE
17 OF THAT I GOT INVOLVED IN THE COUNTY'S EARLY
18 SOLID WASTE MANAGEMENT PLANNING, WHICH WAS
19 REQUIRED BY LEGISLATION IN THE EARLY '70S.
20 OUR COMMITTEE, WHICH AT THAT TIME
21 WAS CHAIRED BY MR. CHESBRO, WE WROTE THE FIRST
22 TWO SOLID WASTE MANAGEMENT PLANS, WHICH WERE
23 THEN REQUIRED, AND OUR COMMITTEE DISSOLVED WHEN
24 AB939 WAS APPROVED AND WENT ON FROM THERE.
25 BUT I HAVE BEEN INVOLVED IN IT ALL

1 ALONG. BASICALLY BECAUSE OF POOR MANAGEMENT
2 PRACTICES AT THE TIME. WE BELIEVED THAT
3 RECYCLING, WHICH WAS JUST COMING BACK INTO THE
4 FOREGROUND, WAS VERY IMPORTANT AND ALSO
5 REDUCING WASTE THAT WAS EVEN GENERATED.
6 I HAVE ALSO BEEN QUITE INVOLVED,
7 BECAUSE OF THE CUMMINGS ROAD LANDFILL BEING THE
8 ONLY ONE THAT WAS AVAILABLE AT THE TIME IN 1978
9 WHEN THE COUNTY PICKED THAT SITE, WE INSISTED,
10 OUR COMMITTEE INSISTED, THAT CITY GARBAGE BE
11 REQUIRED TO BUILD A TRANSFER STATION IN EUREKA,
12 WHICH HAS BEEN THERE FOR 20 YEARS AND IS NOW
13 VERY MUCH OUT OF DATE.
14 SO I HAVE HAD A LONG EXPERIENCE IN
15 THIS. I KNOW THAT CUMMINGS ROAD LANDFILL HAS
16 BEEN USED SINCE THE 30'S. IT WAS AN OLD DUMP
17 IT OVER THE SIDE AND BURN IT GARBAGE DUMP AT
18 THAT TIME.
19 CITY GARBAGE TOOK IT OVER, AND IN
20 FAIRNESS TO CITY GARBAGE THEY HAVE DONE A LOT
21 TO IMPROVE IT, BUT THERE ARE STILL MAJOR
22 PROBLEMS WITH THE CUMMINGS ROAD SITE, NOT THE
23 LEAST OF WHICH IS THE VERY SUBSTANDARD ROAD
24 THAT HAS TO BE USED TO GET TO THAT SITE, SO
25 THAT I CERTAINLY SYMPATHIZE WITH THE PEOPLE ON

1 CUMMINGS ROAD THAT HAVE SUFFERED WITH MANY,
2 MANY TRUCKS GOING UP AND DOWN THEIR INADEQUATE
3 ROAD ALL THESE YEARS AND THEIR CONCERN THAT
4 THIS SITE NOT BE USED.
5 WHAT WE WANT NOW IS FOR PROPER
6 SOLID WASTE MANAGEMENT TO TAKE PLACE IN
7 HUMBOLDT COUNTY. THE COUNTY DID A STUDY
8 SEVERAL YEARS AGO TO TRY TO FIND A NEW SOLID
9 WASTE SITE. IT WAS PROVEN BECAUSE OF THE
10 EXPENSE AND THE TERRAIN THERE WAS NO SITE IN
11 HUMBOLDT COUNTY THAT WAS ACCESSIBLE AND THAT
12 COULD BE USED AND THAT THE LANDOWNERS WOULD BE
13 EVEN WILLING TO HAVE USED.
14 SO WE HAVE BEEN SUPPORTERS ALL
15 ALONG, EVER SINCE THE POSSIBILITY OF RAILING IT
16 OUT TO AN APPROVED LAND SITE, LANDFILL, THAT
17 THAT BE THE WAY TO GO. AND WE CERTAINLY
18 SUPPORT THE PROJECT AS PROPOSED FOR THE
19 TEMPORARY, AND I MUST EMPHASIZE TEMPORARY, SITE
20 IN ARCATA AS THE FIRST STEP IN THE WAY OF
21 DEALING WITH HUMBOLDT COUNTY'S GARBAGE IN A
22 VERY RESPONSIBLE MANNER.
23 AND I WOULD BE HAPPY TO ANSWER ANY
24 QUESTIONS IF ANY OF YOU HAVE THEM.

25 CHAIRMAN PENNINGTON: QUESTIONS OF

1 MS. STRICKLAND?

2 THANK YOU VERY MUCH.

3 MR. SCHAUB, YOU WANTED TO SAY

4 SOMETHING?

5 MR. SCHAUB: THANK YOU. VERY

6 BRIEFLY, MR. CHAIRMAN.

7 CHAIRMAN PENNINGTON: I'M HAPPY TO

8 HAVE YOU, BUT I DON'T WANT TO GET A RAGING

9 DEBATE GOING HERE.

10 MR. SCHAUB: I DON'T INTEND TO DO

11 THAT. I JUST WANT TO CLARIFY, BECAUSE I THINK

12 IT'S AN IMPORTANT POINT THAT HAS BEEN RAISED A

13 FEW TIMES, OF EXACTLY WHAT THE JPA KNEW ABOUT

14 THE SOIL AND WHEN.

15 WHEN WE WERE HERE BEFORE YOU ON

16 SEPTEMBER 17TH, WHAT WE KNEW ABOUT WAS THE

17 PHASE I AND PHASE II, TWO PARCELS AWAY, THAT

18 WAS THE SUBJECT OF THE ABATEMENT ORDER WITH

19 WATER QUALITY. WE KNEW ABOUT THAT, AND THAT'S

20 WHAT WAS ACKNOWLEDGED IN THE LEASE.

21 AS MR. KINDSFATHER SAID IN HIS

22 LETTER, HE ACKNOWLEDGED IT IN THE LEASE BECAUSE

23 HE WAS BEING CAUTIOUS IN THAT HE KNEW THERE

24 WERE SOME HOT SPOTS AROUND THE BUILDING HE

25 WOULD BE OCCUPYING TWO PARCELS AWAY FROM THE

1 TRANSFER STATION SITE ITSELF. AND SO THAT'S
2 WHAT WE KNEW ABOUT.
3 THE KNOWLEDGE ABOUT THE SOILS
4 BEING EXCAVATED, THE EXCAVATION WAS STILL
5 HAPPENING WHEN WE WERE HERE ON SEPTEMBER 17TH,
6 AND THAT'S CONFIRMED BY THE LETTER FROM
7 MR. LEGGINNS FROM CITY GARBAGE THAT WE GAVE YOU
8 ON THE 17TH OR WHENEVER THE LAST TIME WAS THAT
9 WE WERE HERE.
10 AND THE LAB RESULTS ON THE TESTING
11 DIDN'T COME BACK FROM THE LAB UNTIL SEPTEMBER
12 24TH, SO WE DIDN'T KNOW ABOUT THE CONTAMINATION
13 IN THE SOIL THAT WAS EXCAVATED WHEN WE WERE
14 HERE ON SEPTEMBER 17TH. ALL WE KNEW ABOUT WAS
15 THE CONTAMINATION TWO PARCELS AWAY THAT WE
16 DIDN'T FEEL THAT THAT SHOULD TRIGGER A FULL
17 ENVIRONMENTAL SOIL ANALYSIS OF OUR PARCEL.
18 THANK YOU.

19 CHAIRMAN PENNINGTON: THANK YOU.
20 DR. RUSSELL.

21 DR. RUSSELL: DR. PETER RUSSELL.
22 I WANTED TO ADD TO MY COMMENTS
23 JUST BRIEFLY. I THINK IT'S IMPORTANT FOR YOU
24 TO KNOW THAT STEVE SALZMAN, THE ENGINEER THAT
25 JUST SPOKE ABOUT THE PCP CLEANUP AND THEN ALSO

1 THE TESTING OF THE STOCKPILES, AND I AGREE ON
2 JUST ABOUT EVERYTHING.
3 THERE ARE A COUPLE OF POINTS THAT
4 HE MADE THAT I WANTED TO POINT OUT TO YOU THAT
5 ARE A LITTLE BIT WORTHY OF FURTHER DISCUSSION.
6 FIRST I BELIEVE HE MADE THE
7 STATEMENT THAT WHAT WE HAVE IS SURFICIAL
8 CONTAMINATION. IT THINK THAT BASED UPON
9 EVERYTHING I HAVE SEEN, THAT IS NOT A
10 SUPPORTABLE STATEMENT. THAT IN FACT BEGS THE
11 INVESTIGATION TO ESTABLISH WHETHER OR NOT IT IS
12 SIMPLY SURFICIAL CONTAMINATION OR WHETHER IT'S
13 MUCH DEEPER.
14 SECONDLY HE SAID THAT IT'S NOT A
15 HEALTH HAZARD. HERE AGAIN, UNLESS YOU HAVE
16 DONE AN INVESTIGATION TO UNDERSTAND THE
17 CONTAMINANT STATUS BOTH AS TO HOW FAR EXTENDS
18 THE CONTAMINATION WE KNOW ABOUT AND WHETHER
19 THERE ARE ANY OF THE OTHER CHEMICALS THAT
20 HAVEN'T BEEN TESTED FOR, THEN THAT'S A
21 STATEMENT THAT ALSO IS REALLY SIMPLY
22 SPECULATION.
23 HE STATED THAT HIS TESTING HAD
24 LOOKED AT PCP. ALL OF THE DATA THAT I SAW
25 RESULTING FROM HIS WORK INCLUDED ONE PCP TEST

1 ONLY. HE DID NOT DO THE PCP TESTING ON EVERY
2 SAMPLE, AS HE DID FOR THE PETROLEUM
3 HYDROCARBONS.
4 TWO MORE, BRIEFLY, AS TO THE
5 DURATION OF EXPOSURE. THE LOADS THAT WERE
6 TURNED AWAY BY THE LOCAL LANDFILL, ACCORDING TO
7 THE LOCAL LANDFILL WERE TURNED AWAY ON
8 SEPTEMBER 8TH. THE SAMPLING THAT WAS DONE BY
9 MR. SALZMAN THE FIRST TIME WAS ON THE 22ND, SO
10 WE HAVE APPARENTLY A COUPLE OF WEEKS OF
11 EXPOSURE TO AIR BEFORE THE SAMPLING OCCURRED.
12 AND THEN FINALLY A STATEMENT HAS
13 BEEN MADE THAT THE PARCEL IS PAVED. MY
14 UNDERSTANDING IS THAT THE PARCEL WAS PAVED IN
15 1968. MANY OF THE CHEMICALS THAT WE ARE
16 CONCERNED ABOUT RESULT FROM THE CHEMICAL
17 REVOLUTION, IF YOU WILL, THAT ACCOMPANIED WORLD
18 WAR II.
19 AND IN FACT IT WAS PRECISELY
20 BETWEEN WORLD WAR II AND ENVIRONMENTAL
21 AWARENESS IN THE LATE '60S, EARLY '70S, THAT
22 THE INDISCRIMINATE DISPOSAL OF WASTE CHEMICALS,
23 SUCH AS SPREADING OF WASTE OIL FOR DUST CONTROL
24 TOOK PLACE, PRECISELY WHEN THIS WAS AN UNPAVED
25 AREA AND WHEN DUST WOULD HAVE BEEN A PROBLEM.

1 AND THAT I THINK IS PROBABLY THE
2 MAJOR CANDIDATE EXPLANATION FOR WHAT WE ARE
3 SEEING HERE. BUT I THINK IT -- I FEAR THAT IT
4 MAY EXTEND BEYOND PETROLEUM. ARGUABLY IT COULD
5 BE WOOD PRESERVING CHEMICALS AND ALSO THE
6 DIOXIN, WHICH HAS BEEN FOUND OVER AT THE OTHER
7 PARCEL.

8 THANK YOU.

9 CHAIRMAN PENNINGTON: DO YOU HAVE ANY
10 QUESTIONS OF DR. RUSSELL?
11 IF NOT, THAT CONCLUDES OUR PUBLIC
12 TESTIMONY PERIOD.

13 MR. SCHAUB: MR. CHAIRMAN?

14 CHAIRMAN PENNINGTON: YES.

15 MR. SCHAUB: IF I MAY SPEAK ONE QUICK
16 WORD?

17 CHAIRMAN PENNINGTON: WELL, THE
18 PROBLEM IS WE'RE GETTING OUT OF TIME HERE, AND
19 YOU GO AND THEN SOMEBODY ELSE GOES. I THINK WE
20 HAVE HEARD ENOUGH. THANK YOU.

21 DR. RUSSELL: EXCUSE ME. I MISSPOKE
22 MYSELF. THE TESTING FOR PCP'S WAS NOT AS
23 EXTENSIVE AS IT WAS FOR PETROLEUM, BUT IT WAS
24 MORE THAN THE SINGLE SAMPLE.

25 CHAIRMAN PENNINGTON: THANK YOU.

1 OKAY. IN ORDER FOR US TO MOVE

2 FORWARD, WE NEED TO HAVE A MOTION TO RECONSIDER

3 OUR PREVIOUS ACTION, IF THAT'S THE DESIRE OF

4 THE BOARD.

5 WOULD ANYBODY LIKE TO DO THAT?

6 MEMBER EATON: I WILL MAKE A MOTION TO

7 RECONSIDER OUR PREVIOUS ACTION, MR. CHAIR.

8 MEMBER RHOADS: I WILL SECOND THAT

9 MOTION.

10 CHAIRMAN PENNINGTON: OKAY. IT HAS

11 BEEN MOVED BY MEMBER EATON AND SECONDED BY

12 MR. RHOADS THAT WE RECONSIDER OUR PREVIOUS

13 ACTION, AND WE WILL NEED A VOTE ON THAT.

14 WILL THE SECRETARY CALL THE ROLL,

15 PLEASE.

16 THE SECRETARY: MEMBER EATON?

17 MEMBER EATON: AYE.

18 THE SECRETARY: MEMBER -- I'M SORRY.

19 MEMBER FRAZEE IS ABSENT.

20 MEMBER JONES?

21 MEMBER JONES: AYE.

22 THE SECRETARY: MEMBER RHOADS?

23 MEMBER RHOADS: AYE.

24 THE SECRETARY: CHAIRMAN PENNINGTON?

25 CHAIRMAN PENNINGTON: AYE.

1 MOTION CARRIES.

2 MEMBER JONES: MR. CHAIRMAN?

3 CHAIRMAN PENNINGTON: YES.

4 MEMBER JONES: I THINK IT HAS TO BE

5 REAL CLEAR THAT OUR ACTION WAS TO SEND THIS

6 THING BACK FOR PURPOSES OF TALKING ABOUT THIS

7 RATIFICATION OF THIS ADDENDUM THAT PEOPLE HAD

8 FIVE OPPORTUNITIES TO DO, AND WHAT GOT SENT

9 BACK AND HOW THAT HAS BEEN PORTRAYED IS PRETTY

10 AMAZING.

11 AND I THINK BASED ON THAT I DON'T

12 HAVE A PROBLEM WITH TALKING ABOUT THAT ISSUE,

13 THAT IN FACT THE CITY OF ARCATA ADOPTED AN

14 ADDENDUM, OUR ADDENDUM, BUT I CERTAINLY HAVE A

15 PROBLEM WITH AND CONTINUE TO BELIEVE THAT THE

16 ISSUE OF MATERIAL MISREPRESENTATION IS NOT — I

17 HAVEN'T BEEN SATISFIED, AND I JUST WANTED

18 PEOPLE TO KNOW THAT THAT IS A CAUSE FOR

19 REVOCATION AND SUSPENSION OF A PERMIT,

20 IRREGARDLESS OF CEQA.

21 SO I THINK WHAT WE ARE DEALING

22 WITH RIGHT NOW IS A CEQA ISSUE. DID THAT CITY

23 COUNCIL -- AND I THINK WHEN YOU LOOK SIDE BY

24 SIDE AT WHAT THAT CITY COUNCIL APPROVED AND

25 WHAT WE HAD DONE IS INTERESTING, BUT PROBABLY

1 GETS TO THE HEART OF THE CEQA PART OF THIS
2 ISSUE.

3 CHAIRMAN PENNINGTON: VERY WELL.

4 THE BOARD'S PREVIOUS ACTION WAS TO
5 SEND A REQUEST TO THE LEA TO COMMENCE WITH THE
6 PROCESS TO SUSPEND OR REVOKE THE PERMIT, AND
7 THIS WAS BASED ON THE FAILURE OF THE CITY TO
8 RATIFY THE ORIGINAL ADDENDUM.

9 SO WE BASICALLY HAVE TWO OPTIONS
10 HERE IN TERMS OF THE ADDENDUM, SINCE THEY HAVE
11 ADOPTED IT, AND THAT'S TO TAKE NO ACTION OR TO
12 WITHDRAW THAT REQUEST FOR THEM TO GO FORWARD.

13 SO I GUESS I NEED A MOTION TO --

14 WELL, LET ME TRY TO MAKE A MOTION, AND THEN
15 MAYBE THAT WILL DO IT. MAYBE WE CAN PUT THIS
16 ALL INTO ONE MOTION, AND THAT IS THAT WE MOVE
17 TO WITHDRAW THE REQUEST OF THE LEA AT THIS
18 POINT AND DIRECT OUR STAFF TO MAKE A FURTHER
19 INQUIRY INTO DETERMINING WHETHER OR NOT THERE
20 HAS BEEN A MATERIAL MISREPRESENTATION.

21 I ALSO THINK WE SHOULD MAKE IT
22 CLEAR THAT WE WILL RESERVE OUR RIGHT TO REQUEST
23 TO THE LEA, IF WE DISCOVER INFORMATION, TO
24 SUPPORT OR SUSPEND OR REVOKE THE PERMIT. I
25 WILL MAKE THAT AS A MOTION, AND I WILL MAKE

1 SURE YOU GET A COPY OF THAT.
2 50 WHAT IN ESSENCE MY MOTION IS
3 SAYING IS THAT WE WILL WITHDRAW THE REQUEST TO
4 HAVE THE LEA REVOKE THE PERMIT, BUT THAT WE ARE
5 ALSO GOING TO INSTRUCT OUR STAFF TO MAKE A
6 FURTHER INQUIRY INTO THE OTHER SUBSTANCE ISSUES
7 THAT WE BELIEVE RESULTED IN A MISREPRESENTATION
8 AND THEN MAKE IT CLEAR THAT WE CAN AND WILL GO
9 BACK TO THE LEA IF WE DISCOVER OR FEEL THAT
10 THERE IS MATERIAL MISREPRESENTATION HERE.

11 MS. TOBIAS: AND SO THAT'S A MATERIAL
12 MISREPRESENTATION IN THE INFORMATION THAT WAS
13 SUBMITTED IN SUPPORT OF THE PERMIT?

14 CHAIRMAN PENNINGTON: CORRECT.

15 MEMBER JONES: AND I CAN SECOND THAT.

16 CHAIRMAN PENNINGTON: IS THERE ANY
17 DISCUSSION ON THAT?

18 MR. RHOADS.

19 MEMBER RHOADS: A BRIEF DISCUSSION.

20 CHAIRMAN PENNINGTON: SURE.

21 MEMBER RHOADS: OUR STAFF CONTACTED --
22 AND I DON'T KNOW IF THIS IS THE APPROPRIATE
23 TIME TO HAVE THAT DISCUSSION, BUT I WOULD LIKE
24 TO HAVE A LITTLE BIT OF DISCUSSION ON THE
25 CONTACTS OUR STAFF HAS MADE WITH THE WATER

1 QUALITY CONTROL BOARD.

2 MR. CHANDLER: MR. CHAIRMAN, PERHAPS I

3 CAN ANSWER.

4 CHAIRMAN PENNINGTON: MR. CHANDLER.

5 MR. CHANDLER: I DID MAKE AN INQUIRY

6 FIRST WITH THE STATE WATER RESOURCES CONTROL

7 BOARD AND DID UNDERSTAND THAT THERE WAS

8 COUNSEL, PHIL WILEY -- I MISPRONOUNCED HIS NAME

9 EARLIER, PHIL WILEY -- WHO INDICATED THAT HE

10 WAS PRESENTLY AT THE NORTH COAST REGIONAL BOARD

11 AND LOOKING INTO THIS MATTER, AND I ASKED FOR

12 CLARIFICATION AS TO WHAT THE REGIONAL BOARD'S

13 ROLE WOULD BE IN THIS MATTER, AND AS YOU ARE

14 ALL AWARE HE RESPONDED IN A LETTER THAT WAS

15 FAXED TO MY OFFICE THIS LAST EVENING, DATED

16 NOVEMBER 18TH, AND YOU ALL HAVE COPIES OF THIS

17 LETTER.

18 THEY INDICATED THAT THEY ARE NOW

19 AWARE OF THE ISSUE, AND THE STAFF IS INVOLVED

20 IN THE OVERSIGHT OF TWO ASPECTS, THOSE BEING,

21 FIRST, INSURING THAT THE EXCAVATED SOILS ARE

22 PROPERLY HANDLED TO AVOID CAUSING NEW

23 DISCHARGES OF WASTE; AND SECOND, TO BE INVOLVED

24 IN FUTURE OVERSIGHT AND ASSESSMENT AND

25 REMEDIATION, IF NECESSARY, OF ANY CONTAMINATION

1 REMAINING AT THE FACILITY.

2 SO THIS LETTER WAS THEIR ATTEMPT

3 TO TRY TO, AS STATED IN THE SUBJECT HEADING,

4 CLARIFY ROLES AND RESPONSIBILITIES RELATIVE TO

5 ANY ONGOING INVESTIGATIVE WORK TO BE DONE BY

6 THE NORTH COAST REGIONAL WATER BOARD. AND THAT

7 WAS SIGNED BY ACTING DIRECTOR SUSAN HORNER,

8 EXECUTIVE OFFICER FOR THE NORTH COAST REGIONAL

9 WATER BOARD.

10 MEMBER RHOADS: I ASSUME THAT YOU WILL

11 ALSO COMMUNICATE TO THE BOARD ABOUT THE ACTIONS

12 THAT TOOK PLACE TODAY.

13 MR. CHANDLER: YOU'RE REFERRING NOW TO

14 THE REGIONAL BOARD?

15 MEMBER EATON: TO THE REGIONAL BOARD.

16 MR. CHANDLER: YES, I WILL.

17 MEMBER RHOADS: AND KEEP US INFORMED

18 OF THE PROGRESS AND THE ACTIONS THAT THEY ARE

19 TAKING IN THIS PARTICULAR ISSUE?

20 MR. CHANDLER: CERTAINLY.

21 MEMBER EATON: MR. CHAIR?

22 CHAIRMAN PENNINGTON: MR. EATON.

23 MEMBER EATON: I WOULD JUST LIKE TO

24 COMMENT ON A COUPLE OF THINGS, AND I THINK ONE

25 IS THAT THE MOTION YOU HAVE PROPOSED IS A FAIR

1 ONE.

2 THE ONE QUESTION I THINK THAT I

3 HAVE IS THAT IN THE INSTRUCTIONS TO THE STAFF,

4 IT DOESN'T FORECLOSE ANY OF OUR OPTIONS --

5 CHAIRMAN PENNINGTON: CORRECT.

6 MEMBER EATON: — CORRECT? AND THOSE

7 COULD BE, SINCE WE ARE ALSO PARTY TO

8 LITIGATION, TO FORECLOSE US FROM RAISING ANY

9 ISSUES IN ANY FORM WE DESIRE?

10 CHAIRMAN PENNINGTON: CORRECT.

11 MEMBER EATON: OKAY. THANK YOU.

12 CHAIRMAN PENNINGTON: ANY OTHER

13 FURTHER DISCUSSION ON THE MOTION?

14 MEMBER JONES: MR. CHAIRMAN?

15 CHAIRMAN PENNINGTON: YES, MR. JONES.

16 MEMBER JONES: WE ARE GOING TO TAKE A

17 VOTE, AND I NEED A COUPLE OF MINUTES AFTER THAT

18 VOTE TO TALK ABOUT SOME OTHER ISSUES THAT CAME

19 UP, BUT I DON'T WANT TO CLOUD THIS ISSUE,

20 BECAUSE THIS IS AN ISSUE ABOUT —

21 CHAIRMAN PENNINGTON: I HAVE SOME

22 THOUGHTS TOO.

23 MEMBER JONES: THANK YOU.

24 CHAIRMAN PENNINGTON: WILL THE

25 SECRETARY CALL THE ROLL.

1 THE SECRETARY: CERTAINLY.

2 MEMBER CHESBRO IS RECUSED.

3 MEMBER EATON?

4 MEMBER EATON: AYE.

5 THE SECRETARY: MEMBER JONES?

6 MEMBER JONES: AYE.

7 THE SECRETARY: MEMBER RHOADS?

8 MEMBER RHOADS: AYE.

9 THE SECRETARY: CHAIRMAN PENNINGTON?

10 CHAIRMAN PENNINGTON: AYE.

11 MOTION CARRIES.

12 MR. JONES.

13 MEMBER JONES: MR. CHAIRMAN, A COUPLE

14 OF THINGS. ONE, WE ARE GOING TO -- WE HAVE

15 INSTRUCTED STAFF TO START LOOKING INTO ALL OF

16 THE THINGS AROUND THIS PROCESS, TO TALK ABOUT A

17 MATERIAL MISREPRESENTATION IF IN FACT THERE IS

18 ONE.

19 I WANT TO JUST STATE FOR THE

20 RECORD A COUPLE OF THINGS. IN LAST NIGHT'S

21 ARCATA CITY COUNCIL MEETING, A MEMBER OF THE

22 JPA STOOD UP AND ACCUSED ME OF BEING A SERIOUS

23 STOCKHOLDER IN NORCAL.

24 WHEN HE WAS TOLD BY A MEMBER OF

25 CITY GARBAGE, SOMEBODY I DON'T EVEN KNOW, THAT

1 I WASN'T A SERIOUS STOCKHOLDER OF NORCAL, THAT
2 SAME JPA MEMBER SAID, "NO, HE IS. THAT'S A
3 LIE. HE IS."
4 ALSO LATER THAT NIGHT HE SAID, "IF
5 WE HAVE ANY PROBLEMS WITH OUR PERMANENT
6 TRANSFER STATION, WE WILL KNOW WHERE TO GO. IT
7 WILL BE MR. JONES."
8 PEOPLE NEED TO UNDERSTAND ONE
9 THING. I STATED IN EVERY MEETING WE HAD THAT I
10 HAD BEEN A FORMER MEMBER OF NORCAL.
11 WHEN I GOT ASSIGNED TO THIS BOARD,
12 WHEN I GOT PLACED ON THIS BOARD, I TOOK ALL OF
13 MY STOCK AND ASKED NORCAL TO DO SOMETHING THEY
14 HAD NEVER DONE, AND THAT WAS GIVE ME THE
15 ABILITY TO ROLL THAT STOCK INTO MY OWN
16 INDEPENDENT, INDIVIDUAL RETIREMENT ACCOUNT.
17 AND I DID THAT FOR ONE REASON. I
18 KNOW MY LEVEL OF INTEGRITY, BUT I DID NOT WANT
19 TO GIVE ANYBODY THE OPPORTUNITY TO QUESTION
20 THAT INTEGRITY, BASED ON PAST EMPLOYMENT.
21 THE QUESTION CAME UP, AS I
22 UNDERSTAND IT, THREE TIMES IN THE LAST MONTH
23 WHERE ADVOCATES OR PROPONENTS WANTED TO KNOW MY
24 SITUATION, AND IN ALL THOSE TIMES THEY WERE
25 DIRECTED THAT IN FACT I HAD TAKEN CARE OF THAT

1 OBLIGATION, ONE THAT I BY LAW DIDN'T EVEN HAVE
2 TO, BUT I DID. AND YET WITH THAT KNOWLEDGE,
3 WITH THAT PRE-EVENT KNOWLEDGE, THE JPA DECIDED
4 TO RAISE THE ISSUE.
5 AND THEN THIS MORNING AT 7:00
6 O'CLOCK, CHARLES BENEMAN WRITES ME A LETTER
7 SAYING, "AT LAST NIGHT'S ARCATA CITY COUNCIL
8 MEETING, I STATED THAT YOU WERE A SERIOUS
9 STOCKHOLDER IN NORCAL, THE PARENT COMPANY OF
10 CITY GARBAGE. THE BASIS FOR MY STATEMENT WAS
11 IN RELIANCE ON INFORMATION THAT I BELIEVED TO
12 BE TRUE AND WAS TRUE UNTIL EARLY LAST YEAR.
13 HOWEVER I LEARNED FROM COUNSEL THIS MORNING
14 THAT THERE IS AN AMENDMENT TO ATTACHMENT NO. 1
15 OF YOUR FPPC FILING THAT SHOWS THAT THE VALUE
16 OF YOUR 20,000 SHARES OF NORCAL WAS ROLLED OVER
17 INTO YOUR PERSONAL B-OF-A INDIVIDUAL RETIREMENT
18 ACCOUNT. I APOLOGIZE FOR MY INADVERTENT
19 MISSTATEMENT."
20 I WANT TO JUST TELL EVERYBODY IN
21 THIS ROOM THAT I BROUGHT THE ISSUE OF NORCAL UP
22 EVERY TIME THAT THERE WAS AN ITEM HERE SO THAT
23 IT WOULD BE DISCLOSED. I ALSO BROUGHT UP THE
24 ISSUE THAT I WAS FIRED FROM THAT COMPANY. AND
25 ADVOCATES KNEW THAT MY MONEY WASN'T IN THAT

1 COMPANY YET -- AS YET ANOTHER CASE IN THIS
2 WONDERFUL PROCESS WE ARE IN, IN DEALING WITH
3 THIS, IT'S BROUGHT UP AGAIN IN A CITY COUNCIL
4 MEETING.

5 I WANT TO THANK BOB FREDENBURG AND
6 BENDAN FOR DOING MY WORK. I NEVER KNEW THAT A
7 BOARD MEMBER AND ANYBODY ELSE THAT WOULD HAVE
8 SAID IT WAS OKAY, THAT IT WAS OKAY FOR A BOARD
9 MEMBER TO DIRECT SOMEBODY ELSE'S STAFF TO DO
10 WORK, WHICH IS WHAT WAS PORTRAYED IN THE PAPER
11 ON A COUNCIL MEMBER WHO WE HAD GOTTEN A CALL
12 THE NIGHT BEFORE THE LAST BOARD MEETING HAD
13 BEEN RUSHED TO THE HOSPITAL FOR AN EMERGENCY
14 APPENDECTOMY SURGERY.

15 THAT IS WHAT WAS REPORTED TO US AT
16 5:30 THAT NIGHT, I THINK, 5:00, AND YET THE
17 NEXT DAY WHEN WE WALKED IN THE BOARD MEETING,
18 WE SAY, WELL, YOU KNOW, IT'S REASONABLE THAT
19 THEY TAKE TIME, BECAUSE SHE GOT TAKEN IN FOR
20 EMERGENCY APPENDECTOMY, AND EVERYBODY THAT'S
21 SITTING THERE IS SAYING, "WHAT ARE YOU TALKING
22 ABOUT? SHE IS SITTING AT HOME IN HER LIVING
23 ROOM."

24 THAT RAISES AN ISSUE IN MY MIND,
25 AND I OFFHANDEDLY SAID, "HOW COULD SHE BE

1 SITTING AT HOME IF SHE IS HAVING AN EMERGENCY
2 APPENDECTOMY? SOMEBODY OUGHT TO CALL THE
3 HOSPITALS."

4 I DIDN'T DIRECT ANYBODY'S STAFF TO
5 DO THAT. BUT IT'S A PRETTY GOOD STRATEGY OF
6 MOVING THE BALL. IT'S A PRETTY GOOD STRATEGY
7 OF TAKING YOUR EYE OFF WHAT'S REALLY IMPORTANT
8 HERE.

9 ONE THING THAT GETS LOST IN THIS
10 WHOLE PROCESS IS THAT THE ARCATA JPA RECEIVED A
11 PERMIT FROM THIS BOARD ON A 4-0 VOTE, INCLUDING
12 ONE OF THE FORMER NORCAL SERIOUS STOCKHOLDERS.
13 THEY VOTED TO GIVE YOU A PERMIT,
14 AND YOU WALKED OUT OF HERE, AND THEN YOU DIDN'T
15 DO WHAT YOU WERE SUPPOSED TO DO. YOU LIED TO
16 US, OR YOU MISUNDERSTOOD WHAT WE SAID, SO WE
17 BROUGHT THE ITEM BACK.

18 I'VE ONLY GOT ONE THING, AND THE
19 REASON THAT I WAS ENDORSED FOR THIS JOB BY
20 INDUSTRY PEOPLE, BY ENVIRONMENTAL PEOPLE, BY
21 UNION PEOPLE, BY CITY GOVERNMENT PEOPLE, WAS
22 THAT I WAS ALWAYS CONSIDERED A STRAIGHT
23 SHOOTER, AND GUESS WHAT, THAT DIDN'T CHANGE.
24 SO IF ANY OF YOU HAVE GOT A
25 QUESTION ABOUT WHERE I'M COMING FROM ON ANY

1 ISSUE, OR IF ANY OF YOU WANT TO KNOW WHERE MY
2 MONEY IS, COME AND ASK ME DIRECTLY. HAVE THE
3 GUTS TO WALK INTO MY OFFICE AND SAY, "I WANT TO
4 QUESTION YOUR INTEGRITY," AND I WILL BE MORE
5 THAN HAPPY TO ANSWER ANY ONE OF YOU.
6 BUT TO MALICIOUSLY MALIGN ME TO
7 TRY TO GET A POINT ACROSS, BECAUSE I'M DOING MY
8 JOB, IS CONSISTENT WITH THIS ENTIRE PROCESS.
9 IT'S ABSOLUTELY CONSISTENT. AND THIS ISN'T
10 OVER, BECAUSE YOU CAN'T GO AROUND SPREADING
11 RUMORS OR MAKING ACCUSATIONS WHEN YOU HAVE
12 KNOWN FOR A MONTH THAT THE CONDITION DIDN'T
13 EXIST, BUT TO GET A VOTE OR TO RUIN SOMEBODY'S
14 REPUTATION, YOU USE IT, IT'S AIN'T OVER.
15 THANKS MR. CHAIRMAN.

16 CHAIRMAN PENNINGTON: YES, MR. JONES.
17 I ONLY WOULD LIKE TO COMMENT THAT
18 I THINK IT'S A SHAME THAT SOMETHING THAT
19 STARTED OUT WHERE THIS BOARD WAS TRYING TO HELP
20 GET A PERMIT THROUGH AND TRY TO FIND A WAY TO
21 MAKE IT GOT INTO SUCH AN UGLY SITUATION.
22 I'M SURE THAT THERE IS BLAME LOTS
23 OF PLACES, BUT TO FINALLY REACH THE LEVEL WHERE
24 A BOARD MEMBER'S CREDIBILITY AND ETHICS ARE
25 QUESTIONED, WHERE WE BECOME GETTING LETTERS

1 DEMANDING THAT THIS BOARD BE INVESTIGATED, I
2 THINK WE HAVE LOWERED OURSELVES TO A LEVEL THAT
3 WE DID NOT NEED TO REACH.
4 AND I'M SORRY THAT IT GOT TO THAT,
5 WHEN THIS BOARD, ALL SIX MEMBERS OF THIS BOARD,
6 TRY SO HARD TO MAKE SURE THAT THE RIGHT THINGS
7 ARE DONE FOR THE BENEFIT OF ALL CALIFORNIANS.
8 I WOULD HOPE THAT WE NEVER REACH THIS KIND OF
9 LEVEL AGAIN.

10 WE NEED TO GO INTO A CLOSED
11 SESSION ABOUT PERSONNEL, BUT YOU HAVE TO LEAVE
12 AT 2:00, AND I HAVE GOT TO LEAVE NOW.
13 ARE YOU GOING TO BE BACK THIS
14 AFTERNOON?

15 MEMBER EATON: I'LL BE BACK PROBABLY
16 3:30, QUARTER TO 4:00.

17 CHAIRMAN PENNINGTON: CAN WE SET IT
18 FOR 4:00 THEN?

19 MEMBER JONES: 4:00 WORKS FOR ME.

20 CHAIRMAN PENNINGTON: WE WILL ADJOURN
21 UNTIL 4:00 O'CLOCK WHEN WE GO INTO A CLOSED
22 SESSION. WE WILL RECESS UNTIL 4:00 O'CLOCK
23 WHEN WE GO INTO A CLOSED SESSION TO DISCUSS A
24 PERSONNEL MATTER.

25 [ADJOURNED.]

